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MORALS:

A TREATISE ON THE PSYCHO-SOCIOLOGICAL BASES OF ETHICS.

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PSYCHO-SOCIOLOGICAL BASES OF ETHICS.

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BY

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TRANSLATED BY

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PREFACE.

THE field of psychological research has widened by the triple alliance of psychology, physiology, and sociology—an alliance at once of the most intimate and fundamental nature, and productive of far-reaching results. It need, therefore, occasion no surprise that among the volumes of a scientific series is to be found a treatise dealing with ethical questions. No doubt it is true that ethics and metaphysics have up to the present been closely interwoven. Under the guise of ethical theory, philosophical speculations of the most audacious type are presented to the student. But recent works on ethics have not been numerous, and betray signs of lassitude in those metaphysicians who paraphrase in general terms the works of Kant, and seem more anxious to soar into the realms of lofty thought than to lay the foundations of work that will be both positive and lasting. It would seem that the time has come for a system of ethics less ambitious in its aims, more restricted in its scope, and based on a more rigorous method of treatment. To build and complete the temple of

positive morality is beyond our power, but we are able, at any rate, to claim for the psychologist and the sociologist the exclusive right of supplying the moralist with the material for the foundations of his ethical doctrine.

In the near future it will, no doubt, be a matter of surprise that men were so pretentious as to teach morals, and to direct the most complex of all activities, without having made, as a preliminary, a sufficiently exhaustive study of man and of society. We shall be amazed at the subjectivity of moral conceptions, even while we remember that they were the work of the greatest minds of every age; at assertions based on incomplete and even inaccurate notions of individual and social life; at precepts of value to the individual alone, enunciated by him for the purpose of justifying his manner of life, systematised "after the event," when prejudices and preconceived ideas have had their natural effect on a mind which then offers itself, more or less unconsciously, as a model to its contemporaries and their descendants!

Plato, with his aristocratic and Athenian [illegible]
Aristotle, saturated with intellectualism—[illegible]
oscillating between science and religion—[illegible]
fatalist and mystic,—each in turn has described the moral ideal according to his own temperament and personal tendencies, and this they have done in almost complete self-absorption, as if assured that all other mortals were fashioned like unto them,

and that they themselves were the noblest types of humanity.

For centuries it has seemed that morals could alone be taught by the "Beyond-man," chosen of God to guide his fellows, a being instantaneously inspired, laying down precepts of wisdom, the value of which was entirely dependent on their beauty and elevation of thought. It necessarily followed that the foundations on which these precepts were based could not be brought to the touchstone of criticism —they were the inspirations of genius, and sprang from the depths of the unconscious; like the conceptions of the artist, they could attract and seduce by appealing to the heart rather than to the reason.

It was not long, however, before those psychologists who had appealed to mental disorders for light on the conditions of normal life, rounded off their purely scientific researches by practical applications in the domains of both politics and morals. Italian anthropology has linked by the closest ties the theory of law, of sanction, and of crime to psychology and psychiatry; sociology has taken its place among the positive sciences, and its relation to ethics is beyond dispute.

But we can only link together psychology and sociology by admitting the mixed, the psycho-sociological,[1] character of most of the sentiments

[1] Cf. my *Rapports de la Psychologie et de la Sociologie* (Imprimerie Nationale, 1899) and *Science Sociale et Démocratie* (Giard et Brière, 1900).

and ideas that the moralist has to take into consideration.

It is no longer necessary to examine these sentiments and ideas from the point of view of this or that moral theory. And as, on the one hand, their psycho-sociological nature makes them functions of social life and of the collective future; and as, on the other hand, the concrete being is the being which lives in society, and with it ethics is necessarily concerned, it follows that the sociologist must share his task with the psychologist. Whoever, therefore, wishes to lay down rules for the guidance of the conduct of his fellow-creatures must be a *savant* before he is a moralist; he must at least be in a position to avail himself of the scientific data which are placed at his service by individual and social psychology. He must realise the inevitable transformation of the moralist from the "sage" or the "seer" to the man of science. The doctor-philosopher of to-day, who, following men like Charcot, Ribot, and Janet, has introduced into psychology an entirely new spirit, now applies to the moral life the really scientific knowledge he has acquired in his clinical work, in the laboratory, in the hospital, and in the asylum; he thus welds together two links in a chain—and even now the necessity is not sufficiently realised—the study of nervous or mental diseases and the struggle against social diseases—*i.e.*, against immorality.

The reader cannot expect that in a volume such

as this human conduct can be treated other than as a whole. To go into detail, to justify every assertion, to deduce every consequence, would necessitate volumes of considerable size. But, quite apart from that, no single individual could be found sufficiently competent to undertake the task. This volume, therefore, contains but a general view of the foundations of ethics, and of some of the directing ideas of "really human" conduct. On many points, no doubt, knowledge is still lacking; on many others the science of to-morrow will throw doubt on the assertions which are supported by the science of to-day. No one in these matters can boast with respect to any formula for which he is responsible—*ne varietur*. Let each reader amend what he reads to the best of his ability. A moral theory is proposed and not imposed; but when it is propounded in the name of science, there can be produced in its defence stronger scientific evidence than is available for the purpose of those who attack, or amend, or complete it.

G. L. DUPRAT.

CONTENTS.

PART I.

THE METHOD.

PAGE

I. ETHICS, METAPHYSICS, AND RELIGION ... 2

1. The Moral Crisis—2. Morals in the Ancient World —3. Moral Philosophy—4. Powerlessness of Philosophy—5. Powerlessness of Religion—6. Conditions of Morality.

II. SCIENTIFIC MORALITY 12

7. Independent Ethics—8. The Science of Ethics— 9. Kantian Ethics and its Postulates—10. Science and Ethics—11. The Real and the Ideal—12. The Technical Character of Morality—13. Spiritualism, Idealism, and Naturalism—14. Morals as a Technical Process.

III. INDIVIDUAL AND SOCIAL ETHICS 26

15. The Arts and Ethics—16. Social Ethics—17. The Moral Consciousness—18. The Data of Reason— 19. Rational Conduct—20. Duty and Moral Worth— 21. Individual Dignity.

IV. THE DIFFERENT MODES OF ETHICAL RESEARCH 40

22. The Kantian Method—23. Plato and Aristotle— 24. Adam Smith—25. Spencer—26. Conclusion on Method.

PART II.

THE PSYCHOLOGICAL IDEAL.

PAGE

I. THE MORAL WILL 52

27. Pure Practical Reason — 28. Moral Action, Voluntary Action—29. Perception, Conception, and Imagination — 30. Attention and Association — 31. Perception and the Sensorial Type—32. Self-perception—33. Instability and Aboulia—34. Deliberation —35. The Conscious Processes—36. Irreflection and Good Manners—37. The Choice of the Best—38. Priority of the Tendency over the Idea of the Good—39. Moral Subjectivism — 40. Unification of Tendencies and Heredity — 41. The Reason — 42. The Union of Different Tendencies and of Reason.

II. LIBERTY AND MORALITY 80

43. Kant and Free-will—44. The Origin of Character —45. Science, Conscience, and Liberty 46. Belief and Liberty—47. The Person the Real Agent—48. Conclusion.

III. THE MORAL TENDENCIES 94

49. Different Tendencies, Different Doctrines—50. Naturalism — 51. Hedonism — 52. Epicureanism — 53. Utilitarianism—54. Interest and Desire—55. Egoism —56. The Collective Interest—57. Intellectual Happiness—58. Mysticism—59. The Ethics of Spinoza 60. The Stoic Morality—61. The Æsthetic Sentiment — 62. The Altruistic Tendencies—63. Generosity—64. Sociability—65. Tendency to Social Organisation.

IV. THE MORAL INDIVIDUAL 135

66. The Psychological Ideal and Moral Firmness—67. Moderation—68. Virtue and Truth—69. The Cult of the Beautiful—70. Joy—71. Risk and Exercise.

PAGE

V. THE DETERMINISM OF IMMORAL ACTIONS ... 152

72. Crime—73. Crime and the Criminal—74. Classification and Descriptive Summary—75. The Criminal by Accident—76. Insane Criminals—77. Immorality of the Imbecile—78. Intelligent Degenerates—79. The Unbalanced—80. The Criminal by Passion—81. The Obsessed—82. Exaggeration of Good Sentiments—83. Moral Vertigo—84. The Criminal Type—85. Immoral Effects of Solidarity—86. Effects of Heredity, Alcoholism, and Social Disturbances in General.

PART III.

THE SOCIAL IDEAL.

I. SOCIAL EVOLUTION 189

87. The Present State of Sociology 88. Social Statics and Dynamics—89. The Evolution of the Family—90. The Matriarchate and the Primitive Condition of Woman—91. The Primitive Condition of Children—92. The "Patria Potestas" and the Dissolution of the Family—93. The Future of the Family—94. Animal Societies—95. Political Life and the Struggle of Classes—96. The Idea of Equality—97. Governments—98. Plutocracy—99. Political Evolution and Law—100. The Law of Contract.

II. SOCIAL EVOLUTION (*continued*) 215

101. The Primitive Economic State—102. Economic Evolution—103. Division of Labour—104. Association—105. Slavery and Property—106. Property—107. Capital and Labour—108. Collective Sentiments—109. Differentiation of the Primitive Sentiments—110. The Evolution of Sociability—111. The Religion of Humanity and of the Unknowable—112. Sociological Anticipations.

PAGE

III. THE SOCIAL IDEAL 235

113. Individualism and Altruism—114. The Over-Man—115. Sacrifice of the Unfit—116. The Gospel of Tolstoi—117. Renunciation—118. The Consequences of Non-resistance to Evil—119. The Necessity of Conflict—120. Despotism—121. The Meek—122. The Aristocracy—123. Importance of the Theory of Rights.

IV. RIGHTS 257

124. The Foundation of Rights—125. Natural Right—126. Metaphysical Right and Dignity—127. Rights of Social Function—128. Justice and Devotion—129. Justice and Charity—130. The Right of Property—131. The Share of the Community—132. Property and Reform—133. The Hereditary Transmission of Property.

V. THE STATE 274

134. The Rôle of the State—135. Theories of Sovereignty—136. Summary of the Theories—137. Relative Sovereignty and the Social Contract—138. Duties of the State—139. The State and Associations—140. The State as Educator—141. The State as Judge.

VI. THE ECONOMIC ORGANISATION 292

142. Competition—143. Subordination of the Economic Order to a Higher Order—144. The Rôle of the State—145. The State Principle and the Corvée—146. Taxation—147. Solidarity in the Economic Order—148. The Wages System—149. Co-operation—150. The Work of Women and Children—151. Value of the Workman—152. The Choice of a Profession—153. The Rights and Duties of the Workman.

VII. THE FAMILY, FRIENDSHIP, AND THE COLLECTIVE SENTIMENTS 314

154. The Rights of Woman—155. Marriage—156. The Co-Education and Equality of the Sexes—157.

PAGE

Divorce and Duties towards Children—158. Duties of Children—159. Friendship and Fraternity—160. Man in Relation to Animals—161. Genuine Human Sentiments.

PART IV.

THE STRUGGLE AGAINST IMMORALITY.

I. Social Responsibility. 334

162. Conditions of Responsibility. Intention—163. Errors of Appreciation—164. Insufficient Deliberation—165. Irresponsibility—166. Possible Modification of the Character—167. Imputability—168. Social Action.

II. Sanction and Moral Education 352

169. Rôle and Nature of Sanction—170. Happiness the Natural Consequence of Moral Action—171. Merit—172. The Immorality of Punishment—173. Utilitarian Rôle of Punishment—174. Moral Suggestion.

Bibliography 371

Index 375

MORALS:

THEIR PSYCHO-SOCIOLOGICAL BASES.

—•◆•—

PART I.

THE METHOD.

I. ETHICS, METAPHYSICS, AND RELIGION.

1. *The Moral Crisis*—2. *Morals in the Ancient World*—3. *Moral Philosophy*—4. *Powerlessness of Philosophy*—5. *Powerlessness of Religion*—6. *Conditions of Morality.*

II. SCIENTIFIC MORALITY.

7. *Independent Ethics*—8. *The Science of Ethics*—9. *Kantian Ethics and its Postulates*—10. *Science and Ethics*—11. *The Real and the Ideal*—12. *The Technical Character of Morality*—13. *Spiritualism, Idealism, and Naturalism*—14. *Morals as a Technical Process.*

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15. *The Arts and Ethics*—16. *Social Ethics*—17. *The Moral Consciousness*—18. *The Data of Reason*—19. *Rational Conduct*—20. *Duty and Moral Worth*—21. *Individual Dignity.*

IV. THE DIFFERENT MODES OF ETHICAL RESEARCH.

22. *The Kantian Method*—23. *Plato and Aristotle*—24. *Adam Smith*—25. *Spencer*—26. *Conclusion on Method.*

I.

ETHICS, METAPHYSICS, AND RELIGION.

1. *The Moral Crisis.*

As the spirit of criticism develops, as simple faith, superstitions, and even traditions lose their influence over the masses, and as the increasing complexity of social, political, and economical relations involves more instability, more risk of disorder and disaggregation, we more and more appreciate, from the constant increase of crime, the dangers of moral anarchy.

During the whole of the nineteenth century the evolution of ideas and collective sentiments, the increase in the number of publications of every kind—books, pamphlets, journals, etc.—and of public lectures, have introduced into the great current of popular thought a considerable number of practical conceptions, which are, however, conflicting and often irreconcilable. Our age is an age of criticism; the foundations of law have been called in question, and those of traditional law, in particular, have been destroyed; the family, the city, civil and religious society have been profoundly modified in the course of a single century. Religious faith has ceased to play the important rôle which seemed to have devolved upon it; on every side it is disappearing, or at any rate is ceasing to be an obstacle to immorality. And in the same manner the "social conscience," if we may use this term to designate the sum-total of conceptions and sentiments which are common to a whole race,

seems to be in a state of hesitation, wavering, and uncertainty, and to be passing through stages of groping in the dark, of sudden shock, and of perilous crisis.

There seems to be nothing to guarantee stability in morals; the ideas of good and evil, of justice and injustice, of what is lawful and what is forbidden, seem more and more arbitrary, and to have a merely conventional or even a provisional value.

2. *Morals in the Ancient World.*

Was not the existence of this state of confusion inevitable, and was it not, after all, for the best? When "social disintegration" had reached its maximum in ancient Greece, two ethical doctrines, which have persisted as types to the present day, made their appearance, and were favourably received by those who had remained unaffected by the subtle dialectic of Plato or the masterly metaphysic of Aristotle.

In the realm of morals, it was not long before Stoicism and Epicureanism became rivals throughout the civilised world, and philosophical conceptions became definitely supreme in ethics.

Stoicism, it is true, disappeared after a few centuries of incomparable lustre, and was superseded by Christianity, for which it had in some measure prepared a lasting triumph. Religion once more took as its directing principle the care of souls, and henceforth assumed the rôle of the faithful guardian of true morality, the deadly enemy of materialism and atheism, which it persistently and unfairly accused of corrupting morals and of destroying

the sense of duty by the suppression of every sanction.

Must we assume that the moral crisis of the present day will end in the same manner? Can philosophy and religion help us now as they helped the ancient world? It is very doubtful. In the first place, the conditions are different. The ancient world never reached a state of social complexity comparable to that to which we have been brought by the political and economical progress of the century which has just drawn to a close; most of the problems which we have to solve are entirely new. Slavery, the condition of woman in Greece and Rome, the absence o powerful machinery and vast industrial centres, the lack of consideration paid to human dignity, the inadequate development of scientific ideas and humanitarian tendencies,—all these made the solution of the moral problem a much easier task than it is at present.

What, in fact, is Stoicism, but a doctrine of tension due to reaction against a general relaxation of morals and a general weakening of the will? Epicureanism, on the other hand, is purely a doctrine of apathy springing directly from discouragement, from the absence of conviction, a doctrine which laid desolate the Greek world at the very moment when Pyrrhonism was endeavouring, if not actually to destroy action, at least to deprive it of every motive. The spirit of the civilised world had then passed that celebrated stage at which speculations, however bold, did not disturb the equilibrium of the mental or of the moral faculties; in which a Plato or an Aristotle could

safely propose to mankind an unrealisable ideal, too confident in the wisdom of their contemporaries to fear that they were diverging from the golden mean. On every side was heard the eager question—What shall we do? And with equal eagerness men adopted the simple solutions within the grasp of the ordinary intellect—avoid action, endure suffering, resist evil, —solutions which were rather inspired by the circumstances of the case than by the genius of an individual.

Stoicism and Epicureanism[1] have not been popular and have had no effect on morals, because the two corresponding moral theories were the immediate outcome of the social state at a period of decadence. Their success is to be explained rather by sociological considerations than by an examination of their respective values, and in particular of their value from the philosophical point of view.

3. *Moral Philosophy.*

It is further noticeable that philosophy up to the present time has not been prone to determine men to action; it has remained rather speculative than practical, whether it has an *a priori* foundation or the scientific basis which is usually attributed to it.—The morality taught by most philosophers is generally a series of deductions based on metaphysical principles. These principles have a value that is entirely subjective; it is readily seen that they vary with each school of thought, that they are in mutual conflict, and that they fall into discredit, being the

[1] Cf. Guyau, *La Morale d'Épicure*, p. 186: "Epicureanism had a success and excited in its disciples an enthusiasm of which no modern doctrine can give the slightest idea."—TR.

subject of unceasing controversy. Their basis, if empirical, is unsound, because of the limited number of facts observed, and we can then confront them with principles for which with equal weight an equally incomplete experience claims sanction. Besides, the ordinary mind cannot revert to those very general principles which the philosopher reaches by means of subtle analysis, and which alone give value to deductions and precepts. Finally, a philosophical system is generally too adventitious a part of the social future for the morality which is therewith connected to have any influence on long-established morals, or on minds confused by the disorder of social forces. Karl Marx was therefore right when he spoke of the "Poverty of Philosophy" and of its powerlessness, either to prevent or to remedy moral crises.

4. *Powerlessness of Philosophy.*

M. Fouillée considers[1] that, just as it was said to the poets—"Shame on the men who can sing while Rome is burning," so under the present circumstances we should "tell the philosophers that they ought not to be content with speculation when questions of life and death are in the air." But what can philosophers do, if they are reduced to a general knowledge of the world, and deal with a hasty and provisional systematisation of hypotheses laid down by experts in every branch of science? The general philosophy of science plays a more and more limited part, and that part is to constantly endeavour to realise the unity of knowledge by co-ordinating data of which we feel assured, and hypotheses which do

[1] *La France au Point de Vue morale.*

not conflict with these data. This cosmological work affects action but little, but it is perhaps worth a man's while to realise with increasing accuracy his place in the universe, to experience a sense of modesty when his own insignificance is brought home to him, and a sense of legitimate pride when he appreciates the part his race has played in the course of universal evolution. But that lays down for him no well-defined line of conduct, and we may well be amused to see philosophers deducing from a few vague cosmological premisses an equally vague formula of duty, compelled as they are to further the future of the race, to develop to the utmost the psychic forces, and to secure their triumph over the unconscious energies at work in the universe.[1] If all philosophy must issue in morality, according to the paraphrase of the fundamental axiom of dualistic spiritualism, it is certainly unnecessary to speculate with so much heat.

Apart from rational cosmology, theology cannot teach us our duty, for if it were to expound to us the sovereign will, it would be compelled to presuppose morality, in order to secure its right to represent it as the supreme rule for human will; and as its God would have to be the moral Ideal, it could only be conceived in accordance with a moral theory. Of all the philosophical movements of the last century the most important, if we measure importance by the effect produced on the ordinary mind, has certainly been evolutionism. What influence has it had on public morality? The interest it aroused was mainly due to the hostility of the clergy, both Catholic and

[1] This formula is due to Rudolf Muller in his *Naturwissenschaftliche Seelenforschung*, vol. ix. pp. 585 *et seq.*

Protestant;[1] it very soon assumed the character of bold negation, with respect to the morality of theology and of religious belief; but this agitation was futile from the practical point of view—nothing was gained by bringing home the cause of moral unity only to the upright conscience and the enlightened mind.

5. *Powerlessness of Religion.*

If philosophy appears to be completely powerless, may we at least believe that a great religious movement would succeed in remedying moral anarchy? Contrary to Spencer's view, religion appears from its origin to have been intimately associated with the moral development of humanity. M. Durkheim[2] even considers that all other social phenomena (morality included) have issued by way of dissociation from the religious phenomenon; the relationship began by being an essentially religious bond. At most we can ask ourselves if economic organisation is an exception, and is derived from another source. "M. Belot[3] thinks that religion in its early stages contained morality, not like living matter which contains forms which may afterwards be revealed," but "like a shell which protects the embryo, and which covers and conceals to a very large extent the spontaneous work of which almost all life consists." However this point of detail may be decided, it is difficult even to some of our contemporaries to com-

[1] White's *History of the Conflict between Science and Religion.*

[2] *Année sociologique* (2nd year, 1897-98), "Definition des Phénomènes réligieux."

[3] "La Religion comme Principe sociologique," *Revue philosophique*, March 1900, p. 290.

pletely separate ethical from religious idealism, so intimate has their union been for many generations.

However, M. Fouillée shows, by invoking the testimony of eminent Catholics such as MM. d'Hulst, Guibert, and Cardinal Bourret, that religious practices become more and more capable of association with a fundamental immorality. It seems that a religious crisis due to the decay of religious sentiments has followed almost every stage of the moral crisis. This is the inverse of what was occasionally maintained when religious feeling was made the condition of morality; the latter would rather condition the former.

Doubtless there are stages in every social evolution in which theological dogma presides over the education of youth, in which priests fashion at their will the intellect and the heart; but a sacerdotal body is only powerful, that is to say, really powerful, so long as it is subject to the influence of existing morals and of the ethical current. This the writers above mentioned express very clearly, when they attribute the decreasing influence of the clergy on public morality to their remoteness from the concerns of everyday life, to their intellectual inertia, and to their ignorance of the general tendencies of modern society.

We cannot, therefore, count on religion, so called, to put an end to the moral crisis; religion only influences those minds which are in need of belief, and to whom a prophet or a saint brings the faith for which they crave.

The rapid propagation of Christianity is explained from a purely sociological[1] point of view by the

[1] *I.e.*, leaving out of account the belief in the Divinity of Christ.

aspirations of a throng of freedmen and slaves, who welcomed it enthusiastically because they craved pity, love, and fraternity. The preaching of Mohammed responded in a similar manner to the mystical and warlike tendencies of the Arab tribes, the ethnical character of which assures the persistence of Islamism. But among the more intelligent and more educated peoples of the white race, that similarity of sentiments and tendencies which favours great religious movements could not persist. The era of great enthusiasm seems closed, at any rate to our European civilisation. That is why we appeal[1] to the clergy of the different denominations to aid religious faith by the help of psychology and sociology. It is now obvious that the sharpness of the moral crisis cannot be diminished by philosophy alone, nor by religion alone, nor by philosophy and religion combined—for what assistance can one bring to the other? It may be that ethical religion contributes from the very loftiness of its morality to the realisation of the most complete possible moral unity in humanity; but its work ought to be preceded in every case by that of the thinkers and the *savants*, who, after having learned to look on man both as a psychological and as a social being, would endeavour to agree on the first principles of human conduct.

6. *Conditions of Morality.*

Sometimes it is only by social action exercised on every class of society and individual that moral work can be accomplished, and that crisis met which is

[1] M. Fouillée, for example, in his recent volume, *La France au Point de Vue morale.*

due to the divergence of individual views. Now dogmatism, under whatever form it presents itself, cannot be an acceptable remedy. Truth is not imposed by brute force; it is proposed by some, accepted by others, and becomes common thought by the free adhesion of minds. Everything that enters into belief by pathological suggestion, in consequence of a morbid receptivity of the intellect, may be expelled in the same way in which it was introduced. The ethics taught by a master will only become the real morality of the race if it is discussed, criticised, and admitted by reason, and never from sheer weakness of will or mental indolence.

Hence, every man must make his own morality, and must be therefore rendered capable of making it for himself; he must be enlightened, guided, advised, and placed in a position to judge, so that theory may determine a practice which suits him. Then, either there will be an inevitable divergence, and we shall have to give up moral unity and submit to an indefinite prolongation of the present crisis, or an agreement will take place which will at any rate put an end to dissensions on essential points.

Now the primary characteristic of science is that it brings minds into agreement by furnishing them with universal and necessary principles. We may therefore hope that moral unity will be realised if ethics can be based on science in general, or on one of the sciences in particular.

II.

SCIENTIFIC MORALITY.

7. *Independent Ethics.*

Scientific psychology has been reproached with being soulless; this reproach is really praise, for a metaphysical theory of the soul, whether materialistic or spiritualistic, realistic or idealistic, can only vitiate any scientific investigation into the nature of phenomena. In the same manner, to accuse scientific morality of being a practical doctrine without theology or preliminary metaphysics is also praise.

No doubt every scientific application assumes certain philosophic postulates which criticism has readily discovered: for instance, that there are laws of nature; that the principle of causality is of universal value, and of necessary application to phenomena, etc. This is used to prove—poor victory—that every philosopher and moralist alike does the same without hesitation, so that neither science nor ethics is independent of philosophic criticism.

This assertion of the rights of philosophy is perfectly legitimate. There are philosophic truths, the most general of all, which have such an objectivity that one runs no risk in admitting them. Empiricism and rationalism, realism and idealism, only come into actual conflict in the region of unverifiable hypotheses; and science and ethics need not follow philosophy into this region.

The independence which is claimed by ethics is not

independence with respect to philosophic criticism; most contemporary thinkers consider, with Kant, that nothing can escape criticism, ethics no more than religion or science. But the right that is accorded to criticism to push its investigations as far as possible into the first principles of every science or every theory, into their nature, and even into their value, does not go so far as to justify the making of ethics a mere dependency of philosophy.

8. *The Science of Ethics.*

M. Renouvier has not hesitated to write "of the science of ethics as a science which is at first a pure science and subsequently an applied science, under the name of the principles of law."[1] He has even compared this new science to mathematics, the simplicity and rigour of which science seem, however, but ill adapted to favour such a comparison. "Mathematics and ethics have this much in common, if they claim to be sciences they must be based on pure concepts. Experience and history are further from representing the laws of ethics than nature is from the accurate realisation of mathematical ideas; but these laws and ideas are rational forms equally necessary, the one to be the rule of the senses, and the other to guide and form a judgment on life."[2] But this science which is so near to the scientific ideal must be based on a philosophic doctrine, "for nothing can overthrow one doctrine but another doctrine; there is a philosophy, and one alone, which satisfies this condition of being, a

[1] Ch. Renouvier, *Science de la Morale*, Paris (Ladrange), 1869.
[2] Renouvier, *op. cit.*, Preface.

doctrine which is distinct from the rest, and that is critical philosophy, . . . because it is itself, in so far as it examines, or criticises, or analyses representations, either a science already, or the beginning of science in every question which is a subject of controversy among philosophers."

It is to be feared that M. Renouvier exaggerates the need of critical philosophy to a science which finds in experience and in history those approximations, the rectification or completion of which would provide us with perfect types of moral actions, and which at the same time are sufficient to draw up the data of experience and to translate them into perfect geometrical forms. Ethics is in much more urgent need—and M. Renouvier himself explicitly admits it—of the methodic study of psychological and sociological facts both present and past.

9. *Kantian Ethics and its Postulates.*

Is not the "critical philosophy" of which M. Renouvier speaks almost identical with the philosophy of Kant, modified no doubt as far as belief in the noumenon is concerned, but kept intact by the neo-criticists as far as it affects practical reason?

Now Kant, no doubt, had the merit of taking duty as his point of departure, a "rational fact"; that is to say of such a universality as cannot be misunderstood, and as is imposed on all adult and reflective minds. As M. Dugas[1] has remarked, the idea of duty is common to all moral doctrine, although it has not always been distinguished from the less abstract conceptions which envelop it. "It is not

[1] *Revue philosophique*, 1897, t. xliv. p. 390.

foreign to hedonistic morality, and it is essential to utilitarian ethics, even when reduced to egoism." Naturalistic morality has closely connected it with this moral sentiment which, as Darwin says, "we define by saying it must be obeyed." In every theory which distinguishes the moral good from every other good it is this which *must* be acquired or realised. Kant was therefore right in devoting himself to researches which expose him to the charge of "formalism," but none the less remain a valuable example of philosophical analysis.

But after having made ethics the doctrine of obligation, has he in the sequel safeguarded independence? Have not metaphysical and theological ideas affected deductions which are apparently rigorous and impartial?

The *Critique of Pure Reason* already shows that Kant had a keen desire to restore belief in God, in the immortality of the soul, and in liberty—a belief which was destroyed by the disputes of philosophers, and which could not be established save upon new foundations.

Further, Kant also proceeds to make of liberty, which is unintelligible to us because it exists in "the intelligible world," the *ratio essendi* of duty; of future sanction, the consequence of moral obligation; and of the existence of God, the consequence of sanction beyond the tomb. Hence it seems that morality has for its sole aim the restoration of the idols which criticism destroys. Not only is ethics thus taken as the means, not only does it cease to be a real aim, but it is also placed in relative opposition to the criticism on which we profess to base it. It is as much the slave of metaphysics and theology as ever.

But now its servitude is more disguised, and is even veiled under the form of supremacy.

10. *Science and Ethics.*

We must, on the contrary, have a morality established as science is, without preconceived ideas, without prejudice, without the secret intention of issuing in the justification of an opinion, be it metaphysical, or religious, or political. The moralist, like the *savant*, must at the beginning of his investigations be ignorant of the point at which he will emerge, and must therefore be a man of no particular school.

But can he do what may be fairly called scientific work? M. Durkheim[1] admits with M. Renouvier the possibility of constructing "a science of ethics." The moralists, he says, "who deduce their doctrine not from an *a priori* principle, but from certain propositions borrowed from one or more positive sciences, qualify their scientific morality."[2]

Our aim is not to deduce ethics from science, but to construct the science of ethics, which is quite a different matter. For that purpose M. Durkheim "undertakes to determine the reasons of an experimental order on which morality is formed, transformed, and maintained," to study the rules of action

[1] *La Division du Travail social*, Preface. Paris, Alcan, 1893.

[2] The term "scientific" has been sometimes quite wrongly applied to certain moral doctrines by intellects even as keen as that of M. Boutroux, who seems to believe that scientific morality is compelled to follow the lines of the natural sciences, and therefore must in these days be informed by the transformist, evolutionist, and even the materialistic spirit. It is scarcely necessary to point out the abuse of terms which leads one to qualify as scientific that morality which is connected with a scientific hypothesis of indefinite value.

laid down for the individual by collectivity, as well as by all the other facts of social constraint which have given birth to the morals of different epochs and of different countries.

M. Durkheim would scout the idle objection that science only studies what is or has been. The scientific knowledge of what is or has been may well give an idea of what *will* be, but not of what *ought* to be, *should* be, or *would have* been. Science, says the sociologist, "can help us to find the direction in which we should orientate our conduct, and to determine the ideal towards which we are but blindly groping. Only, we cannot raise ourselves to that ideal until we have observed the real and extricated ourselves from it. But is it possible to proceed in any other way? Even the most intemperate idealists cannot follow any other method, for the ideal rests on nothing if it is not rooted in reality." [1]

II. *The Real and the Ideal.*

It seems that M. Durkheim and M. Renouvier are fundamentally agreed that the real needs rectification, and that rectification is possible. It is true that the latter expects it from pure reason, by an operation analogous to that by which mathematics is constituted, while the former counts on a kind of induction founded on experience, thanks to which we can establish a law of social evolution, a social type which may be realised. "The objective that science offers to the will" is a "normal type entirely in agreement with itself, which has eliminated or redressed the contradictions, that is to say, the

[1] Durkheim, *op. cit.*, p. 4.

imperfections, which it contained." M. Durkheim therefore gives to sociology a rôle which M. Renouvier refuses to it, and it cannot be denied that the former has the true scientific spirit which, in proportion as the fact to be studied becomes more and more complex, awards a wider rôle to observation, to experiment, and to induction.

But wide as may be the rôle that is given by M. Durkheim to social science, the latter cannot be confused with ethics. If social science were ethics, it could only "make of us spectators indifferent or resigned to reality,"[1] forcing itself with the Stoic sage to learn the natural law in order to have further knowledge of what it reserves to us, whither it leads us, and whither, in the words of Cleanthes,[2] it would lead us if, in a frenzy at its restrictions, we should refuse to observe it and to follow it.

"If we know in what direction the evolution of the right of property is taking place as societies become more voluminous and dense, and if some fresh increase of volume and density necessitates fresh modifications, we can foresee them, and foreseeing them we can will them in advance." This is the Stoic morality, consisting solely in the pursuit of nature, in "life in conformity with the natural law," which sociology reveals to us as rigidly as a law in physics or astronomy; but we are as little content with that as is M. Durkheim.

Thus some knowledge of a higher order than social science must regulate our conduct under certain circumstances, in which it is not enough to

[1] *Id.*, *ibid.*, p. v.

[2] Hymn to Zeus (attributed to Cleanthes, the head of the Stoics between Zeno and Chrysippus).—TR.

be the passive spectator of natural evolution. Dare we assert that this will be a *real science?*

12. *The Technical Character of Morality.*

It must be recognised that science cannot issue from necessity; it does not closely embrace reality, nor does it embrace it entirely; everything that is contingent or accidental, everything which depends on individual variations, escapes it. Its domain is that of abstractions. The domain of morality is the field of human actions in which are evolved concrete beings and complex personalities incessantly in process of evolution, integration, and disintegration.

That is why the difference which exists between moral and physical laws has been for a long time rightly pointed out. The latter are inviolable; their necessity is such that no one can elude their effects; the former, on the contrary, are easily eluded; they may be either obeyed or violated. They are, therefore, not really laws, if it is wise to restrict that name to the necessary relations established between two orders of facts, each represented by an abstract term (which does not correspond more exactly to any particular fact). The so-called moral laws are precepts—prescriptions analogous to the prudent counsel that a father gives his son, or to the technical rules that a workman teaches his apprentice.

The peculiar characteristic of morality springs from a different class of considerations.

The normal being is not an unchangeable ideal; what is normal at a given time for a certain race or at a certain stage of civilisation is not so under other circumstances. We, being men of a certain

epoch and of a determined environment, can only conceive an ideal relative to ourselves, to our mental structure, to our morals, and to our essential tendencies. It is sufficient to consider the evolution of mind in the few centuries which separate us from ancient Greece, to see how modified, for instance, are conceptions as to the social rôle of women and even the morals of women, or indeed the fundamental notions either of public law or of the family.

We shall, therefore, never elaborate a morality of value to any but a given civilisation and a few human generations—a morality which will be imposed upon men's minds only for a length of time, which may be long as far as we are concerned, but very short with reference to human evolution taken as a whole.

If we can give up the idea of proposing as a model to the man of to-day a type that is to be of value at all times and places, a type that is, therefore, abstract and without influence over the will or over morals, we must force ourselves to conceive that type which is in closest conformity with the indications of sociology. But between this ideal and the scientific data which are nearest to concrete conceptions, there is still a considerable gap. How can we fill that gap? Experience shows us imperfect types, systems incompletely realised, and tendencies more or less divergent. Pure scientific prevision consists in the application to the future of laws which are recognised as applicable to the facts of the past; it does not, therefore, pass beyond the scope of the facts laid down by experience. But it can pass beyond by the aid of what is called "sociological

prevision," which is rather a part of "social philosophy" than of social science, for it is composed of more or less probable hypotheses; it is a kind of prediction well founded and based on science.

The interpretation of sociological data is already giving rise to certain variations. Further, the ideal conceived in conformity with sociological prevision does not impose itself with sufficient rigour on all minds for us to be able to conceive without absurdity of another ideal, different, if not in its essential features, at least in its details.

As a matter of fact, do we not often meet with men who appreciate with great justice of view the social type which the majority of their fellow-citizens tend to realise—a realisation as regular as it is unconscious—and yet who affirm that it is their duty, and that it would be the duty of all of us, to re-act against the general tendency, to prevent the realisation of this type, and to work for the realisation of another slightly different but still to them a realisable type?

Would these people be better informed, better provided with full scientific information, would they be more apt to display foresight, if they did not cease to oppose their ideal to the reality which is in the process of making, and to condemn what exists by comparing it with what, in their opinion, ought to exist? All other men could give way to the pressure of collectivity, to the constraint exercised by the multitude, to the apparent necessity of the social future, while these "idealists," rebelling against imitation and fashion, opposing custom and received opinion, would none the less persist in exalting their own conception, and in encouraging their fellows to

follow them in what they would call "the good way."

Is such an idealism to be condemned? is it contrary to the conception of a really scientific morality? And the naturalistic thesis sustained by those who claim that man ought to live according to his nature, a nature perhaps fundamentally animal, ought it *a priori* to have our preference? If hesitation is permitted in the choice of two conflicting theses, it is because we have left the scientific domain. We have entered into the domain of practice and of art, and morals is rather a "technical theory" than a science. It is precisely because we can conceive of ethics as a technical theory, that naturalism and idealism can be reconciled.

13. *Spiritualism, Idealism, and Naturalism.*

In the first place, it is important not to confuse idealism and spiritualism. "The spiritualistic principle tends to a negation of nature," says M. Darlu. "This is the sign by which the filiation of spiritualistic ideas can be recognised. There is in the soul a fixed point, spiritual in its nature, analogous to divine things, as Plato was so fond of saying."[1]

To say that the spirit is essentially opposed to nature is to make an affirmation without proof, obviously inspired by the ancient metaphysical theory of a radical distinction between matter and mind, between soul and body, between life and thought. What is the objective value of this theory, based, no doubt, as it was, on common beliefs sug-

[1] *La Classification des Idées morales du Temps présent*, 1900, pp. 30-36. Paris, Alcan.

gested by the sight of death? So far, both in antiquity and in our own times, it has only offered proofs by introducing into philosophic speculation a very unsatisfactory dualism, by increasing the number of insoluble problems, and by compelling a Descartes to place this mystery at the very beginning of his explanations.

Nothing has ever proved the distinction and opposition of the "extended" and the "thinking" substance, and we ask ourselves the reason of the extraordinary felicity of that passage in the *Timæus*,[1] in which Plato represents the soul as depressed and dragged down, on entering a natural body. This purely metaphysical hypothesis is the basis of all the mystical morality, and is one of the principal foundations of the spiritualistic morality; the fragility of the foundation betrays the weakness of the structure.

But idealism is strongly opposed to dualistic spiritualism. The existence of psychic phenomena amid the mechanical psycho-chemical and biological phenomena, which constitute the rest of nature, is completely established, as well as the existence of necessary relations between this and other orders of facts. Experience shows us in the "phenomena of the soul," from the humblest to the most lofty, from simple sensation to the most audacious speculation, the elements of nature and the factors of the cosmic future; it does not allow us to contrast the ethics of the mind with the ethics of nature, but it invites us to participate more and more in universal evolution by the means with which we have been

[1] [? 41 *et seq.* In some respects a more appropriate reference would have been to the *Phaedo*, sect. 81.]—TR.

provided by nature—by prevision and imagination, and by the power of the idea. To the idealist, everything is impregnated with thought. Nature and the ideal, far from being mutually exclusive, are in agreement—nature tending towards an ideal, and the ideal that we can conceive being necessarily in the extension of nature. We do not imagine an ideal for the purpose of mocking at the real, to have the right of despising nature and of avoiding it as much as possible, but rather to free ourselves from natural necessity, to cease to be spectators, powerless and resigned, of the cosmic evolution.

The knowledge of nature can only explain our conduct; it can tell us why, our nature and nature in general being such as they are, we ought to act in such and such a manner, *so as to remain in agreement with ourselves.* It may no doubt be a factor in progress, for it is always possible to bring about more systematisation and more coherence in a given type. But it cannot enable us to evolve new types; it cannot lead to important modifications; it cannot show us the necessity of innovation and invention. Now, invention is as indispensable in ethical as it is in scientific or in industrial matter. No doubt ethical invention is subject to the same psychological and sociological laws as industrial invention: the human mind cannot be independent of it; for it to be productive, the mind must be associated with anterior data of which the experience of reality is the only source; for it to have a value and to be accepted and fruitful, it must answer to a need and to a powerful tendency, and it must be the extremity of a line of which the real and the present is necessarily the point of departure.

14. *Morals as a Technical Process.*

Moral invention which justifies idealism, like other inventions, cannot, generally speaking, be anticipated.[1] It may baffle sociological prevision; it may by its effects, by its social notoriety, create unexpected modifications to which conduct must be adapted. Now, adaptation to fluctuating or unexpected conditions calls into play human art and human industry. Moral activity becomes thereby a very complex and delicate art, which must advance under the guidance of a theory approximating as closely as possible to practice.

Moral theory is therefore analogous to the art of the doctor or the carpenter. The scientific knowledge of the doctor is manifold, drawn from various sciences, connected by a practical design, and deliberately combined for certain ends. Thus the combination is of a different type to the disinterested and methodic character of science, which is unconcerned with any practical end. So it is with the totality of scientific knowledge, which, together with certain sociological hypotheses or conjectures, constitutes the basis of the moral theory, and gives to it the character of a scientific theory without its having that of a science properly so called. The more arbitrary is the conception of the moral ideal which is an integral part of this theory, the more remote we are from rigour and objectivity, and the more we imperil the agreement of the moral con-

[1] Cf. Guyau, *Esquisse d'une Morale sans Responsabilité ni Sanction*, p. 30: "Even the acts which issue in complete self-consciousness have in general their origin in blind instincts and reflex movements." As we shall see further on, this is true both of the conception and of the choice of acts.

science. We may therefore force ourselves to reduce to a minimum the rôle of subjectivity by incessantly increasing the sum of scientific knowledge; we must not hope to annihilate it.

III.

Individual and Social Ethics.

15. *The Arts and Ethics.*

Although ethics is a theory with a scientific basis rather than a science, can we say that it is on every point analogous to the theories which dominate the art of the doctor or the carpenter, or which direct the activity of the artisan? Is not the art of moral conduct a higher art?

Kant asserted that he had established a profound distinction between ethics and other technical theories, by showing that the latter furnish "hypothetic imperatives," and the former a "categoric imperative." The distinction is assuredly correct. A man cannot be blamed because he does not build a house, or do the work of a farmer or of a business man, in the same way that he can be blamed because he is dishonourable.

But the difference ought never to be exaggerated. The doctor who, having undertaken the care of a sick man, shows lack of interest or skill, will rightly lose in moral reputation for not having performed his duty as well as he could have performed it had he been more skilled, better trained, or more devoted to his patient. That is because in even the lowest of crafts—if indeed any craft is low—once an end pro-

posed has been accepted by the agent, there is an obligation to respond to the requirements of that end, and to realise completely all the means that are best assured to attain that end.

It may be that the first of these obligations is self-consistency, not to be self-contradictory, and therefore not to negate one's own nature as a reasonable being.

The idea of duty is therefore closely connected with the accomplishment of every task. A man is not virtuous only at certain hours of the day, and under certain circumstances; nothing is indifferent to morality, and the art of doing one's duty is step by step akin to the art of following one's trade. Morality also penetrates with its categoric imperative every hypothetical imperative. It aspires not only to lay down the rules of universal conduct imposed on all men under all circumstances, but to control all individual modes of action. And further, by seeking the realisation of an ideal common to all minds, it is called upon to subordinate as closely as possible to that ideal all private ends, to subordinate them one to another, or to co-ordinate them in a vast synthetic unity.

We are, therefore, unable to separate the art of human conduct from special arts such as those of the doctor or of the cobbler, without an abstraction which is prejudicial to the very dignity of morals and to a healthy appreciation of its scope. It is, on the contrary, far better to bring together as much as possible the ethic of the particular technicalities which are most dependent on science for assistance. The architect has his own way of imagining the house

he intends to build, just as the baker has his own method of determining the quality of the bread which he intends to sell; but the house must still respond to the general needs for which buildings are constructed, and to the particular requirements which have determined its construction; while the bread must satisfy the taste of its purchasers. *A fortiori*, the doctor, although he has the choice between many drugs, and between the various methods of treatment which are suitable to the case of his patient, sees his choice is narrowly limited in proportion as his knowledge of the temperament of his patient and of the causes of the disease become more complete. One step therefore brings us to ethics, that theory of human activity which is suited to secure not only physiological, but psychological, and, above all, social health.

As an intermediary, we find hygiene, the laws of which are sometimes considered as moral laws—for instance, when moralists advise temperance, moderation in pleasure, etc. Moral hygiene is in every case an important branch of ethics, and it is impossible to separate it from the hygiene of the body.

Instead of simply considering the needs of the organism, as in the case of medicine and ordinary hygiene, ethics takes into account all the essential tendencies of man; and, with a view to either strengthening them or opposing them, the accidental tendencies of the men of a particular time and place. Its object is therefore much more complex than that of medicine; it is the most complex of all, and the most interesting because it embraces the whole concrete being.

16. *Social Ethics.*

Most moralists have reduced this being to an abstraction, to man himself. They have taken into account neither his social relations nor even his corporeal needs and appetites; they have acted as though he were a "naked soul" or a "pure intellect." "However," as M. Boutroux remarks,[1] "the modern spirit is quite determined to imprint the concrete form on ethics. When we speak of duty in a general sense, of country, of peace, and of fraternity, we see how readily men agree; differences only begin when they discuss the means whereby these noble ends may be attained. Our life is very complex, and the number of our relations is daily increasing. We want a system of morality which enters into every detail, which does not merely tell us that we must do good, but in what that good consists. . . . To the ethics of humanity is joined that of the particular individual which we happen to be, according to our position in the world, and in society." "We must not forget," says M. Malapert,[2] "that beyond the individual there is the social group and the human race; in the conception of moral individual perfection, we must therefore not merely introduce the idea of society, and of the fatherland, but also, as Kant expressed it, we must have in view the perspective of a future humanity that will be both better and happier. *The work of reformation must be both individual and social.* It is clear that a rigorous distinction, and especially a formal opposition between individual and social reform can only be the result of an abstraction."

[1] *Morale sociale*, Preface. Alcan, 1899.
[2] *Ibid.*, pp. 279, 291.

But must this distinction subsist under any circumstances, and is not all morality social morality? M. Malapert thinks that the difference is great enough for one to be definitively based on the other, for social duty to take as its basis individual duty, defined as "an obligation to realise in oneself a certain ideal of the human being considered apart, a *well-being*, a *personal best-being*.[1] "If we do not start from the idea of a duty towards oneself, we can conceive of a social conduct but not of a social morality, but we can never deduce from common utility the conception of a personal and really ethical obligation." The principal reason M. Malapert gives for this is that Plato and Aristotle as well as the modern socialists, who closely subordinate individual conduct to sociological conceptions, take as their aim the individual, the happiness and the perfection of the individual. "All ethics which has a sociological character is essentially utilitarian and naturalistic."

The proof of this does not appear convincing. As Aristotle claims, the perfection of the citizen may be the aim of the state, although the perfection of the state is the aim of every social organisation, and of every moral, individual, or collective activity; this apparently vicious circle presents itself in every organism in which each element may be taken both as means and end. The health of the entire organism is as closely connected with the health of the element as is the integrity of the element with the good working of the whole organism.

Social morality has not necessarily as its approximate aim the happiness of the collectivity or of the

[1] *Morale sociale*, p. 287.

individual; it can only succeed in assuring this happiness by prescribing duties. No doubt, as M. Pillon remarks,[1] it is inverting the order of the factors and consequences to derive moral rules from laws instituted by wise legislators with a view to general utility; but it is so because "these laws are imposed in the name of the just and the good, because *the condition of social institutions is a moral conception of the obligation to realise the good.*"

If we are to believe M. Malapert,[2] duty would first of all be an obligation towards oneself. Guyau[3] denies, and M. Renouvier is far from affirming, that "Duty towards oneself appears in the agent, alone and abstract, . . . and is simply determined by him as a duty to be himself with respect to the different possibilities which he imagines, foresees, and by which he is attracted."

This must mean that the obligation wrongly called duty towards oneself is not, properly speaking, an obligation *with respect to* any one, but simply the indication of a manner of being imposed on a moral agent, which is constrained to be temperate, wise, and courageous if it desires to be able to fulfil well-defined obligations. The latter are therefore logically anterior, although their realisation can only be chronologically posterior, to the obligation of being ready for action as the social ideal may require.

Besides, duty towards oneself, or purely individual duty, can only proceed from a moral concern for individual dignity. Whence comes this "eminent dignity of the human person," of which Kant

[1] *Année philosophique*, 1868. [2] *Op. cit.*, p. 50.
[3] *Science de la Morale*, vol. i. p. 24.

speaks? What has made us conscious of it? Our "moral" consciousness? What, then, is this consciousness?

17. *The Moral Consciousness.*

We cannot deny that there is a portion of our psychological consciousness, a part of our representations, which, when it is a question of action, forms a group as distinct as possible from practical conceptions, appetitions, and repulsions, a group even outside all reflection, and which determines our actions, or our judgments on the value of actions or of persons.

The Scotch moralists and their French disciples of the beginning of the nineteenth century, thought that all was explained when they had affirmed on the strength of certain phenomena the existence in us of a "moral sense" which would enable us to distinguish good from evil, the good from the evil and from the less good, just as another sense enables us to distinguish red from blue and one blue from the other shades of blue.

But just as in our own time the sensorial operations have been analysed, and a multitude of different psycho-physiological data have been discovered which condition the elementary data of our senses, so psycho-sociology enables us to perceive under the different impressions of moral value produced on our minds by different acts or different persons, the very complex processes conditioned by heredity, temperament, character, education, the physical and the social environment, and the degree of intellectual and rational development.

The moral sense has therefore ceased to be as it were a divine light placed within us to guide and enlighten us as to the duties imposed upon us by our noble origin. One would hardly dare in these days to say with Rousseau[1]:—"Conscience, conscience! divine instinct, immortal and celestial voice! certain guide of beings who are ignorant and limited, but free and intelligent; infallible judge of good and evil, *which makes man like unto God!*" We know too well that conscience is the resultant, varying with the age and the individual, of very different physical and social forces, which vary according to the stages of civilisation through which a tribe or a race has already passed.

According to Kant, the consciousness does not know the good; it only knows under what condition the good may exist; it is "a law self-introduced into the soul, which compels respect if not obedience, before which all tendencies are dumb, although they are working blindly against it;" it is a noumenal liberty, pure but practical reason; it "is the principle on which must be based *the indispensable condition of the value that men can attribute to themselves.*"

Thus liberty, the *ratio essendi* of duty, becomes the foundation of human dignity, and therefore of the so-called duties towards oneself. But it is a fragile foundation, for this postulated liberty is not defined, nor is it even conceivable. Have those who will recognise neither the noumenon nor liberty any grounds for the recognition of human dignity?

[1] *Émile*, Book IV. [2] Kant, *Critique of Pure Reason*, p. 269.

18. *The Data of Reason.*

It is correctly asserted[1] that Kant endeavoured to obtain the formal conditions of morality, and that after stripping the moral consciousness of every empirical datum, he found nothing remains but a legislation which holds universally good for every reasonable being. Let us accept this positive datum. Let us accept, simply as a fact, the reason within us. But Kant attributes to all men, equally "admitting the law of duty," an equal moral value. Now, can it be denied that reason in every individual is subject to a slow development, and that far from being in every man at every age the same, it has a practical value which is quite different according to the degree attained by the power of reflection?

No doubt the conceptions and the principles of which reason is essentially constituted in our minds are approximately common to all adult consciences; but the use that men make of them and the importance that they attach to them are very different. We may admit the existence of a rational tendency which impels all humanity, but in different degrees according to individuals, to seek the universality of observed relations and practical maxims; this tendency causes all men, with the minimum of reflection, to grasp the idea of duty, of moral obligation in general. But an idea as vague as this is not enough to give to a reasonable being the "eminent dignity" which makes him a respectable being in his own eyes. But does not reason always furnish something else besides the idea of abstract duty? The

[1] Delbos, "Le Kantisme et la Science de la Morale," *Rev. Mét. et de la Morale*, March 1900.

voice of conscience is not in fact as instructive as is reflection on rational activity itself. The psychological analysis of the concept of rational conduct tells us much more about duty and human dignity than about the *a priori* ideas of obligation or respect.

19. *Rational Conduct.*

For conduct to be rational, it must not, as we have already seen, be inspired by ideas, tendencies, or contradictory motives. The first principle of reasonable thought is in fact that of non-contradiction; hence, the voluntary maintenance of the same principles and constancy in feeling are already a guarantee of morality. But that is not enough to make us reasonable, that is to say to enable us to furnish a complete explanation of all our acts.

What gives the reason of a fact, is the law which unites it to others in a constant manner, which brings it into a causal series; and what gives the reason of that causal series is the part that it plays in a sum-total of series of the same kind—in a *system*. Is not rational thought that which links together facts and arranges them in an order which gives to them a synthetic unity? Reasonable conduct, therefore, is that which is constituted by a series of well-linked acts, capable of forming a systematic whole.

"This sense of the exact, of the necessary, and of the perfect in every type," which M. Marion calls reason,[1] and which presides both over our moral and our mathematical judgment, enables us to establish a hierarchy of different practical conceptions, and to award the first importance to those which sub-

[1] *Solidarité morale*, p. 22

ordinate themselves to the rest, and then the preference to those which are the most systematic in themselves, and in the closest conformity to the system in which they ought to find a place.

By this subordination of the causal series one to another, and by their subordination to the conception of totality, men come to have, as John Stuart Mill[1] puts it (and he cannot be suspected of any tenderness to such a way of thinking), a natural tendency "to give a most marked preference to the manner of existence which employs their higher faculties." Hence arises "the sense of dignity which all human beings possess," as the same philosopher says, "in one form or another, and in some, though by no means in exact, proportion to their higher faculties."

In fact these faculties are the most capable of making us adopt and determine in ourselves a systematic conduct. But nothing can compel them to stay in the system that constitutes an individual; nothing can prevent us from proceeding from any system to a more complex system, from passing from the individual to a collectivity at first restricted, but afterwards wide enough to embrace humanity.

20. *Duty and Moral Worth.*

From this obviously flows the moral obligation of adopting *a line of conduct consistent in itself and in harmony with a wider system tending to realise the highest conceivable degree of human activity.* This is the duty laid down *a priori*, the duty on which all others are based. How can we, in the first place,

[1] *Utilitarianism*, p. 12 (11th edition, 1891).

deduce from it a duty toward oneself? To the moral consciousness which, like ours, must pass, as has just been shown, from the conception of the widest system to that of the narrowest, the individual at first appears only as a means for the social end imposed; individual perfection is only a means whereby the perfection of the whole may be realised. Life in society is, in fact, a constant experience, if not indeed a universal and necessary conception, which reason can reach *a priori*. The idea of the social system is imposed on every moral conscience that has reached the stage in which reflection points out systematic conduct as universally obligatory. The duty which then appears is the obligation to act in view of the realisation of the best possible social system. The individual who fulfils this obligation the best is morally the best and the worthiest. Thus we have reached a general explanation of the idea of moral dignity, which serves as a foundation for self-respect and for the so-called duties towards oneself. Our dignity is not derived from that "intrinsic excellence" of persons and things of which M. Paul Janet speaks; it seems to us that the "relations of excellence and perfection" mentioned by Malebranche as having to determine our esteem "and therefore the kind of love which esteem determines," can only be based on an ethico-sociological foundation. If with Kant we admit an absolute value which we cannot understand, we must recognise in the individual a relative moral value corresponding to his aptitude to fulfil a social function.

And besides, duties towards oneself are obligations which tend to the acquisition of "private

virtues," such as wisdom, courage, and temperance. Now, have these virtues value to any other being than a man who lives in society? To be wise, in the sense in which we understand it here, is to possess knowledge combined with rectitude of judgment. But science is a product of the social life, which is only important from the moral point of view, because it brings men into agreement on objective notions and transforms certain private beliefs into truths which are imposed on all. To the isolated individual it gives authority, because knowledge is foresight and power; but this power is necessary to the individual whose civilisation and whose social evolution have multiplied his needs: primitive man attached to it but little value. Rectitude of judgment is of especial importance to the life of a community; the unsound mind, if it lives in isolation, has not less enjoyment than one that is reasonable. And even if science and knowledge were the possession of a hermit, could the great joy due to the sentiment of intellectual perfection, the *Amor Dei Intellectualis* of a Spinoza, be considered as really moral? Who does not see how odious would be to our modern conscience the conduct of a man who is prudent for himself alone, learned for himself alone, and for his own personal satisfaction? *A fortiori*, temperance and courage only acquire their full value for life in society. A wise, courageous, and temperate man is of great social value. That is why the virtues we called private are so important in ethics. They are the very condition of the other civic virtues. The obligations which correspond to them are therefore the "requisites" of higher obligations.

21. *Individual Dignity.*

We are not now raising the question of depriving the duties of the individual of all value in so far as he is an individual, or of depriving the moral personality of all dignity. The personality of the moral agent is none the less worthy of respect, even though it may not have an absolute value. Society is not a being in itself; it is an aggregate of individuals, a system of systems. The whole is only of value from its elements. In the social system, each of the elements is a will, a reason, a conscience; and it must not be forgotten that the "social conscience" is either a metaphor, or a totality of ideas and sentiments which are found in most individual consciences and exist nowhere else. The part played by invention in ethics has moreover been already determined with sufficient precision to clearly enable us to appreciate the whole value which is to be attached to those individuals, each of whom conceives his own ideal, works for the progress of the whole, and does his share in the realisation of an ideal.

"The conspicuous dignity of the human person," instead of being laid down *a priori*, or deduced from some metaphysical postulate, gains by being based on something more solid, on considerations of a sociological and psychological order. It appears perhaps less conspicuous from the moment that it has a less mysterious foundation; but the respect due to the individual must have been practically derived from it alone. We must not let ourselves be hypnotised by the ego. The doctrine of Kant is historically in close connection with romanticism,

which, as has been justly observed, is based on the "hypertrophy of the ego," and also with the French Revolution, which was profoundly saturated, and even corrupted, by a rampant, an outrageous individualism. The moral activity is not an art of individual piety; it cannot subsist in the disregard of those laws of solidarity which bring into intimate relation the moral safety of men of the same generation and that of men of previous generations; and cannot realise itself completely for one if, in some measure, it does not do so for all. Individual morality must therefore enter into social morality, and there can be in it but one morality; and *that* is the theory which dominates what is *the* human art *par excellence*, the art of living in society, while fulfilling all the duties which are incumbent on the citizens of a given age and of a given place.

IV.

The Different Modes of Ethical Research.

22. *The Kantian Method.*

To a new conception of ethics corresponds a new method of research. Kant introduced an important modification into the method of his predecessors—the rationalistic philosophers—by making the study of duty precede that of the good. He rightly investigated the primary conceptions on which every moral theory is necessarily based; but no sooner has he analysed the idea of good will than he deduces from it that of spontaneous and disinterested obedience to the law of duty, and loses his way in his exposition of so-called postulates, over which mathematical

postulates have the incontestable advantage of being infinitely more sound.[1] The position and the solution of the antinomy of practical reason are, to say the least of it, arbitrary, as we shall see farther on. And when Kant had to enter into detail, by very often propounding views which, as we must admit, were broad and just, he made the mistake of separating "applied morality" so completely from "sociological morality," that the different duties and the different laws no longer seem more than unsound adaptations to empirical conditions of the general theory of duty and of law. M. Renouvier has also admitted the separation of pure from applied ethics—viz., the "theory of life." However, duty in general and undetermined moral obligation can only be conceived as an abstraction—a simple form, application of which to empirical data is immediately necessary. None of Kant's predecessors made this distinction; all no doubt took count of psychological and sociological reality; but they seem to have been unwilling to recognise it, except through the medium of their metaphysical conceptions. Leibnitz,[2] for instance, interpreted the facts of pleasure and happiness as the marks of an enlargement of existence, and of a disposition towards moral perfection, and that, too, according to a quite subjective opinion of the theological value of joy from the point of view of the divine happiness. Spinoza drew a picture *more geometrico*[3] of the principal human passions; he, too, supposed that joy corresponds to a greater quan-

[1] Mackenzie, *A Manual of Ethics*, pp. 56-70; Sidgwick, *History of Ethics*, pp. 271 *et seq.*—TR.

[2] *Encycl. Brit.*, Leibnitz, vol. xiv. p. 422. TR.

[3] *Encycl. Brit.*, Cartesianism, vol. v. p. 152.—TR.

tity and grief to a less quantity of being, and that we cannot have really moral joy if the cause is not in ourselves or in God.

23. *Plato and Aristotle.*

Plato had apparently only one method. From the exact correspondence laid down by him between the classes of the State and the parts of the soul, one would think that from a kind of psychology he had reached a kind of social morality. The artisan class has in its collectivity appetites and functions analogous to those of the lower part of the soul—temperance ought to be recommended to them; the fighting class has, as the mean part of the soul, that force which may be placed at the service of evil proclivities as well as at the service of wisdom; true courage to them will consist in moderation, and in obedience to the counsels of the higher class, a class essentially wise. Justice will thus be established in the State as in the individual by the subordination of him who is morally inferior to him who is morally superior.[1] But we very clearly see that in Plato there are preconceived ideas which determine the moral value *a priori*, apart from any consideration of order, however rudimentary the scientific character of that order may be. The soul is of divine origin, at least as far as its higher parts are concerned;[2] and it is a stain on its immortal essence to be united to a body. In the same way the aristocracy, the class of the wise, is of infinitely higher origin than the class of artisans or of labourers. In Plato,

[1] Cf. *Republic*, ii.—TR.

[2] Cf. *Timæus*, sect. 91: "The soul is in the very likeness of the divine;" *Phædo*, sect. 79.—TR.

theological and aristocratical prejudices took the place of method.[1]

Aristotle has applied to morality his usual process of investigation, which he expounds in many places, but notably in the Introduction to his "Treatise on the Soul." First he collects and criticises the opinions of his predecessors; secondly, he seeks what is necessary and essential, and endeavours to establish the consequences that flow from the first principles which he, as a preliminary, discovered. In ethics, after having shown the characteristics of man, and that his essence is to think, and that therefore his highest virtue, his characteristic virtue, is the contemplation of eternal truths (theoretical virtue), Aristotle does not forget that man is necessarily a social being, and that he must carry into social contingencies virtues which would not be becoming to God or to a divine being living in isolation. Hence his theory[2] of the golden mean between all extremes, a theory in which one may see the doctrine of the adaptation of the psychological being to natural and, in particular, to social necessities. Thus morality becomes for Aristotle a part of politics; this he states explicitly and rightly.[3] He cannot conceive of the wise man without friends, and the theory of friendship occupies a large place in his theory of ethics.[4] A great number of private and public virtues are carefully analysed in politics and in ethics alike. It is, therefore, to be regretted

[1] Cf. *Republic*, viii.; *The Statesman*, passim.—Tr.

[2] *Ethics*, ii. 6.—Tr.

[3] *Politics*, Book IV., chap. i.; J. S. Mackenzie, *A Manual of Ethics*, sect. 6, p. 27.—Tr.

[4] *Ethics*, Book VIII. Tr.

that the psychology and the sociology of this great thinker were not more advanced.[1]

24. *Adam Smith.*

The English philosophers in general, and those of the eighteenth and nineteenth centuries in particular, thanks to their taste for observation of detail and for psychological research, have been able to make some progress in the ethical method. "Doubtless," says M. Dugas,[2] speaking of Adam Smith, "the choice of sympathy as the sole basis for morals[3] may be called in question; but not, in my opinion, the method by which, when once the basis was chosen, Adam Smith constructed on it his ethics." In fact, "the theory of the moral sentiments is primarily psychological;" and Adam Smith holds that morality springs from the spontaneous development of tendencies; moral rules are for him but the summary of our sentimental experience. He distinguishes between amiable virtues and those which inspire respect; but the former spring from the effort of the spectator to enter into the sentiments of the person interested; the latter, such as, for instance, self-control, spring from the effort of the person interested to control or influence the nerves or the sensibilities of others. In this way virtue is always referred to sentiment. Duty itself is always closely connected with sympathy, for the sentiment of moral obligation is, so

[1] Vide *Revue Philosophique*, January 1901, an article on "The Ethics of Antiquity," in which M. Brochard renders full justice to the genius of Aristotle, merely from the point of view of his system of morality.

[2] *Revue Philosophique*, t. xliv. p. 402, *loc. cit.*

[3] Cf. Haldane, *Life of Adam Smith*, pp. 61 *et seq.* (Walter Scott).—Tr.

to speak, a substitute for the outburst of sympathy: "the moral rule is nothing more than the example of the good tendencies of our hearts recalled to our memory. It is a fact that our sympathy is not always awake; and further, persons whose absence of sympathy is accidental, may oppose to the sympathy which they do not experience under present circumstances the sympathy that they have experienced under similar circumstances. . . . Duty supplies the lack of sympathy." Thus, in Adam Smith, it is the absence of metaphysical postulates, the predominance of a sentiment, which is rightly or wrongly affirmed, and which allows of the systematisation of all conduct, that M. Dugas considers as the mark of a sound method of moral research.

This is clear if ethics entirely consists of a theory which, "stating in precise terms and expanding the idea of duty, is reduced almost to making a complete analysis of the psychological elements of the will;" it is clear if duty is nothing more than "a sentiment or a totality of sentiments conscious of their value, of their power, and of their direction, and transformed into custom and rule."[1] But to take a psychological view of morality is not in my opinion to embrace the whole field of ethics. We can and we ought to investigate the mental physiology of the moral being; but that is not enough if it is true, as we have shown above, that ethics is a theory of life in society.

When we have realised in a being the psychological ideal, we have done no more than to give a good preparation for social life; we have not as yet exhibited the end to be realised.

[1] Dugas, *loc. cit.*

25. *Spencer.*

Spencer, the theorist of evolutionism, has simultaneously taken into account the data of biology or psychology, and those of sociology. The "generalisations" afforded by these sciences are in his opinion the sole possible basis for "a real theory of balanced life." He has, therefore, rightly based human conduct in nature, and has endeavoured to draw from experience inductions which may serve as principles for a moral theory.

Spencer's ethics is, in short, as the English philosopher has himself pointed out, a rational utilitarianism. "Mr. Herbert Spencer," says John Stuart Mill, "objects to being considered an opponent of utilitarianism, and states that he regards happiness as the ultimate end of morality; but deems that end only partially attainable by empirical generalisations from the observed results of conduct, and completely attainable only by deducing from the laws of life and the conditions of existence, what kinds of action necessarily tend to produce happiness and what kinds to produce unhappiness."[1]

Now the law which dominates life is the law of evolution, or the passage from the simple to the complex, from the homogeneous to the heterogeneous, from the indefinite to the definite, by way of successive integrations. That is why, from the physical point of view, conduct must pass from simplicity of movement to complexity of systematised action; from the biological point of view, it must

[1] *Utilitarianism* (11th ed., 1891), p. 93, note (in a private communication from Mr. Herbert Spencer).

proceed from the accomplishment of a few vital functions to the equilibrium of numerous actions tending to the expansion of life; from the psychological point of view, the transition is from primitive simplicity of mind to the continuous accumulation of experiences, transmitted hereditarily and ultimately constituting certain faculties of moral intuition; and finally, from the sociological point of view, it must pass from primitive constraint to the agreement "of the complete life of each with the complete life of all."

So simple is the deduction which serves as a scientific basis for evolutionary utilitarianism; it states in exact terms the conception of happiness, which Mill's method left far too indeterminate, far too dependent on free will, or on the experience of men of the highest repute. Spencer[1] tells us the object of the different orders of functions of which man is constituted, basing his assertions on scientific observations; and he finds that the realisation of these ends coincides with "the greatest happiness of the greatest number,"[2] which may, therefore, be laid down as the final aim of morality.

But Mr. Spencer has neglected to show that to obey the law of evolution is a duty. Hence he has failed in one of the first obligations which are imposed on a moralist, that of laying down the obligation. His ethics has remained naturalistic; his definition of the "good," to be "sublime," is none the less empirical.[3] To take part in a universal

[1] Cf. *Data of Ethics*, chap. ii.—TR.

[2] Edgeworth, *Mathematical Psychics*, pp. 117 *et seq.*—TR.

[3] Goblot, *Essai sur la Classification des Sciences*, p. 265. Alcan, 1898.

evolution, to realise a life ever more powerful and rich, remains a hypothetical imperative. "Why should this universal good be imposed on the will of the individual?" It must be shown that progress is imposed on human thought, as soon as this thought applies to practices and to conduct the idea of *law*, and seeks, in consequence, what is the supreme law, not so much of nature as of the human mind.

26. *Conclusion on Method.*

As long as we confine ourselves to representing nature as inevitably obeying certain laws, we are free to consider ourselves as outside that blind nature which is the sport of fatality; no obligation is imposed on us. But as soon as human thought is exhibited to us as obeying in its turn certain laws, conceiving a principle as necessary and therefore obligatory—that of seeking everywhere for causes, or that of establishing out of every diversity a system —from that moment duty is laid down.

The preliminary step in ethical research is therefore the establishment of moral obligation, and the enunciation of its general form. We have seen above[1] that the idea of rational activity is imposed on us because, owing to our mental constitution, we cannot form any other conception; that the idea of that rational activity embraces the idea of system, and involves as *duty in general* the obligation of realising in the whole domain of human life a system of systems, a perfect co-ordination of all the individual and social functions.

Such being the outcome of our preliminary

[1] *Vide* Section 19.

investigations, our researches ought to be pursued independently of any hypothesis, and therefore independently even of the Spencerian conception of universal evolution, at first in the order of psycho-physiological facts, and then in the order of psycho-sociological facts. Thus the second step will be constituted by a study of the psychological and social conditions of moral action.

But we might be reproached with falling into too exclusive a naturalism if we content ourselves with establishing the actual nature of the moral being and the direction of evolution. We have seen above that morality is not a science or a part of science, but rather a technology, and that the most general of all; and that if based on a science it must be distinguished from it by a *construction of the ideal*. This is the third step in our investigations.

Now, to avoid the *a priori* constructions which up to now have been the basis of the greater part of morality, utilitarian ethics included, we must rely as little as possible on imagination, and must keep as close as possible to scientific data. If we admit that the social evolution and the mental constitution of the individual are perfectly systematic and coherent, we will not have to seek a higher ideal. If we admit incompatible tendencies, vices, faults, and excesses which are injurious to the harmony of the whole and to the co-ordination of the functions, whether individual or collective, our duty is to indicate what ought to be suppressed, developed, or created, in order that the system may be at the same time as rich and as harmonious as possible. It is on this point that the opinions of moralists may differ, but we shall see that the divergence may be of slight

importance if the different writers keep equally close to the facts and to legitimate inductions.

Finally, there comes a fourth step. When the causes of vice and moral error, of social and individual disorder have been determined, they must next be eliminated from real life. The moralist must therefore indicate the means most suitable for the struggle against immorality and for the realisation of the ideal. The knowledge of these means flows from that of the causes of disorder; when we know the nature of the evil and its source, we can point out the remedies.

What is a moral theory thus established? According to M. Pillon, a morality which recognises no relation or link with metaphysics can only be a morality of sentiment. No doubt it would be so if our method implied renunciation of the indisputable right of human reason to co-ordinate sentiments whether individual or collective, and to judge them by a general criterion, that of their aptitude to form part of a rational system. But our method, on the contrary, makes of its resultant theory a real morality of duty, both individual and social, of human duty, in every meaning of the phrase.

PART II.

THE PSYCHOLOGICAL IDEAL.

I. THE MORAL WILL.

27. *Pure Practical Reason*—28. *Moral Action, Voluntary Action*—29. *Perception, Conception, and Imagination*—30. *Attention and Association*—31. *Perception and the Sensorial Type*—32. *Self-perception*—33. *Instability and Aboulia*—34. *Deliberation*—35. *The Conscious Processes*—36. *Irreflection and Good Manners*—37. *The Choice of the Best*—38. *Priority of the Tendency over the Idea of the Good*—39. *Moral Subjectivism*—40. *Unification of Tendencies and Heredity* — 41. *The Reason* — 42. *The Union of Different Tendencies and of Reason.*

II. LIBERTY AND MORALITY.

43. *Kant and Free-will*—44. *The Origin of Character*—45. *Science, Conscience, and Liberty*—46. *Belief and Liberty*—47. *The Person the Real Agent*— 48. *Conclusion.*

III. MORAL TENDENCIES.

49. *Different Tendencies, Different Doctrines*—50. *Naturalism*—51. *Hedonism*—52. *Epicureanism*—53. *Utilitarianism* — 54. *Interest and Desire* — 55. *Egoism* — 56. *The Collective Interest* — 57. *Intellectual Happiness* — 58. *Mysticism*—59. *The Ethics of Spinoza*—60. *The Stoic Morality* — 61. *The Æsthetic Sentiment* — 62. *The Altruistic Tendencies* — 63. *Generosity* — 64. *Sociability* —65. *Tendency to Social Organisation.*

IV. THE MORAL INDIVIDUAL.

66. *The Psychological Ideal and Moral Firmness*—67. *Moderation*—68. *Virtue and Truth*—69. *The Cult of the Beautiful*—70. *Joy*—71. *Risk and Exercise.*

V. THE DETERMINISM OF IMMORAL ACTIONS.

72. *Crime*—73. *Crime and the Criminal*—74. *Classification and Descriptive Summary*—75. *The Criminal by Accident*—76. *Insane Criminals*—77. *Immorality of the Imbecile*—78. *Intelligent Degenerates*—79. *The Unbalanced*—80. *The Criminal by Passion*—81. *The Obsessed*—82. *Exaggeration of Good Sentiments*—83. *Moral Vertigo*—84. *The Criminal Type*—85. *Immoral Effects of Solidarity*—86. *Effects of Heredity, Alcoholism, and Social Disturbances in General.*

I.

THE MORAL WILL.

27. *Pure Practical Reason.*

WHAT Kant has considered in man is reason become practical, but remaining pure, and remote from any alliance with experience. That is why his ethics is not a theory of human conduct. If he had been more of a psychologist and less of a metaphysician, Kant would have seen the necessity of taking into account sensibility, tendencies, inclinations, and desires, in some other way than to declare them hostile to practical reason. Aristotle, more in the habit of noting the complexity of psychological and biological phenomena, had taken pains on the contrary to show that pure intellect cannot of itself determine action; that its rôle in the control of appetite and of tendencies corresponding to sensible knowledge is limited.[1] Spinoza was no doubt inspired by Aristotle when he asserted that, in order to combat the passions, reason must determine an

[1] Cf. *De Anima*, Book III., and the *Nicomachean Ethics*.

affection, the "amor Dei intellectualis";[1] but Spinoza was too deeply penetrated with intellectuality to appreciate the importance of empirical knowledge, and of the affections which flow therefrom; the wise man he describes seems to have to forget that he is a man, and only conceives himself as part of God.

28. *Moral Action, Voluntary Action.*

Psychology has taught contemporary moralists a wider appreciation of the nature and conditions of moral activity, which is essentially a voluntary activity. Although Spencer dimly sees as realisable in a distant future an ideal of quite instinctive morality, we need not to hesitate to affirm that voluntary decision, choice after deliberation, will remain the characteristic of the moral act from the psychological point of view, as long as there is any theoretical controversy and hesitation in practice, that is to say, as long as human nature is what we know it to be. Why, in fact, do we generally refuse to recognise morality in animals, at least in the sense in which we use the word in speaking of man? It is not so much from theological prejudice or from metaphysical belief in the absence on the one side, or in the presence on the other, of a liberty assumed to be indispensable to the formation of a moral conscience, as from the lack of reflection, deliberation, and rational choice in the animal. Beings inferior to man give way in almost all their actions to instinctive tendencies, in perfect harmony

[1] Cf. *Ethics*, Books IV. and V.

with the exigencies of their situation and their environment and their nature; so that all their actions are, so to speak, automatic, although they may bear the mark of sympathy, of altruism, and even of disinterestedness.

Moral theory and scientific thought could not exercise their influence on instinctive conduct, whether entirely imitative or springing from the reproduction, spontaneous or habitual, of anterior modes of action. They can only influence the conduct of a being capable of modifying his manner of action according to circumstances, according to the thoughts which become preponderant in the mind after deliberation and reflection. We must therefore consider in the moral being the being which is capable of voluntary decision.

As a rule, we consider three stages in the fact of will: first the *conception*, either of several possible courses, or simply of an action that it is still possible to accomplish or not to accomplish, of a fact that it is possible to realise or not to realise; secondly, *deliberation*, or the evocation of different motives and the ensuing struggle between the motives; thirdly, the *choice*, which constitutes the end of the deliberation and the commencement of the transition to the phase of movement and inhibition.

This distinction is not based, as we shall see, on the different nature of the three operations, which, on the contrary, overlap and form but one and the same act; but we may take it into account in the analysis of so complex a fact as the voluntary phenomenon.

29. *Perception, Conception, and Imagination.*

In moral action it is a question of knowing which of several possible acts or of the two terms of an alternative respond best to the general idea that one has of the good or of duty. Now, to conceive unusual modes of action, generous or dangerous, noble and disinterested, is not the act of a common intelligence, at any rate under trivial circumstances. Hence the imagination plays an important part in the initial phase of moral action.

The physiology of the mind, as far as the imagination is concerned, is familiar enough.[1] We know that the imagination is dependent far more than is apparent on anterior experience. The artist does not conceive the beautiful without having, first of all, collected from one side or another the different materials of its construction; in the same way the most beneficent being does not at once, and without preparation, or education, or exercise, or preliminary experience, conceive of the most meritorious acts. Certainly he does not need examples such as he may merely reproduce with unimportant changes; he is not a mere imitator, although more prone than one would suppose to slavish imitation. Sometimes he changes the nature of an act previously accomplished by himself or by another before his eyes, either by adding to it, or taking from it, or by combining it with another which furnishes, as it were, a complement; sometimes he takes from here or there different elements to form a new whole.[2]

[1] This is due in a large measure to M. Ribot's work entitled *L'Imagination créatrice.* Alcan, 1900.

[2] Cf. G. F. Stout, *Manual of Psychology*, vol. ii. chap. iv. TR.

The operation takes place outside the sphere of the clear consciousness; it is unintentionally, and with no clear conception of the physical act which is accomplished, that the mind dissociates the data involved in different experiences, and then associates them and makes of them an original synthesis. The laws of spontaneous attention explain the dissociation, and those of cerebral and mental association explain the synthesis.

30. *Attention and Association.*

Attention is spontaneously paid in a present totality to the elements which present a particular interest to the satisfaction of a more or less profound tendency. When the tendency is profound it is lasting, and its effects are constant; the attention always follows the same direction. In the same way a sporting dog which has a hereditary tendency to seek after game recognises a number of objects only because they are favourable to the gratification of his tendency; just as a Newfoundland dog of which Romanes[1] speaks only observed in a hatchet and in an iron wedge, which his master regularly used to split wood, this common property of serving to split wood—so much so that when sent to find the hatchet and not finding it, he brought the wedge. In the same way, the moral being who has a keen desire to play a beneficent part in society spontaneously attends to all that in the acts of his fellows and in his own acts presents a character peculiarly favourable to the realisation of his desire. And from a large number of experiences accumulated under the

[1] *Animal Intelligence.*

same conditions is thus detached a more and more important group of elements, more or less suited for combination, but all favourable to the conception of good actions.

Their combination will take place according to the laws of systematic association so well exhibited by M. Paulhan.[1] No doubt it is of importance that the different materials to be associated have determined in the brain modifications of neighbouring neurons ready to associate either by pushing their protoplasmic prolongations towards one another, or by triumphing over the obstacle in the way of their direct communication by a variable quantity of neuroglia,[2] as W. James[3] has argued, so that the cerebral contiguity must have rendered mental association possible; but to explain that this association is this particular synthesis and not another, formed of certain elements to the exclusion of a great number of others, we must have recourse to the following principle: anterior data, capable of forming a systematic whole corresponding to the tendency which directs the mental future of the subject at the moment under consideration, are the only data which associate.

We see how far dissociation as well as association, equally necessary to the conception of acts that are capable of becoming moral, are dependent on individual inclinations. The importance of these factors of the mental life, however, ought not to make us forget the part that is played by the perceptions themselves. On the contrary, the preliminary

[1] *L'Activité mentale et les Éléments de l'Esprit.* Paris, Alcan.

[2] [Connective tissues.]

[3] *Principles of Psychology*, vol. i. pp. 561 *et seq.*

examination of this rôle will the better bring to light the scope of the tendencies, whether fundamental or acquired, of the individual, and of the group to which he belongs.

31. *Perception and the Sensorial Type.*

The perception of objects is not pure passivity. As W. James[1] has shown, and as experiments which may be easily repeated will prove, one only perceives objects from one point of view by calling attention to certain characters alone, while others remain in the background; and as all perception consists in construction superadded to actual sensorial data—and in a spontaneous interpretation of these actual data by means of anterior data, which, being immediately evoked, blend with present sensations—we must recognise that objective perception is, like imagination, dependent on the tendencies which determine the course of thought. But further, certain sensorial data, both present and recalled, are more favoured than others according to the sensorial type that a given individual realises. This has its importance from the point of view of action; in fact, the exaggeration of any type whatever, of the auditive type, or the visual type, is only produced in general to the detriment of the qualities which pertain to another type—the motor type, for example. Now the sensorial type determines the imaginative and associative type, the type of recollections, of abstractions, in short, a complete aspect of mental life. An "auditive" or a "visual" person will have a more or less marked tendency not to act as an "indifferent" or as

[1] *Op. cit.*, chap. xix., vol. ii. pp. 76 *et seq.*—Tr.

a "motor"; he runs the risk of quite a different conception of the modes of activity; the conduct of an artist, a painter, a sculptor, or a musician who "visualises" or "hears" with an intensity which sometimes lands him on the threshold of hallucination will not have the same aspect, or perhaps even the same principles, as the conduct of a workman who realises the motor type, or of a tradesman whose type has remained undetermined.

We are constantly seeing artists, musicians especially, make themselves remarkable by some eccentricity in their conduct; we find, on the other hand, that different subjects, with an average aptitude to experience every kind of sensation, have not only plenty of good sense from the purely intellectual point of view, but also a well-marked taste for moderation in conduct and for regularity in morals.

If we now endeavour to discover why the sensorial diverges from the indifferent type, we must attribute a very nearly equal share to the influence of heredity, which is manifested by the organic aptitudes and the congenital tendencies of the mind, and to the influence of education, habits, and acquired tendencies.

32. *Self-perception.*

The nature of special aptitudes from the point of view of sensation and perception is of great importance, particularly in relation to action, because of the quite peculiar manner in which the subject *perceives itself*, according to the sensorial type to which it belongs. One point that the psychologists have not, as a rule, thrown into sufficient relief, is that of personal perception. It has often been said that we

perceive ourselves just as we perceive objects external to us; sufficient stress has not been laid on the consequences of this objective representation, which is much more complex than the *idea* of the ego upon which, almost exclusively, the attention of philosophers has been fixed. The idea of the ego and the perception of self are two physical facts as different as the conception of a body in general and the concrete representation of a determined body. If to apprehend oneself is a mental operation analogous to every other objective apprehension, we imagine more than we find; we reinstate many more elements than are actually given; we fuse the past and the present. In accordance with certain sensations, for the most part organic, we conceive ourselves as concrete beings habitually presenting definite characters, in which we have taken more note in the past of certain aspects than of others, according to the constantly predominant tendency of our mind, according to the sense of experience which is most pronounced in us. If one person perceives himself in particular *quâ* an auditive or more especially *quâ* a "speculative or an intellectual," another will perceive himself most often as a "motor," in particular, and more especially, as active and practical. No doubt we perceive ourselves in situations so different that the same individual may be turning attention sometimes to his speculative aptitudes, and sometimes to his practical aptitudes; but it is none the less true that each of us has a usual way of conceiving himself dependent on the habitual preponderance in clear consciousness of muscular images and sensations in preference, for instance, to auditory or visual images.

Can it be denied that this exercises the greatest

influence over the nature of the acts which we conceive? An action is always the action of a determined person, and to conceive it is to conceive the accomplishment of a movement, or a series of movements, by a given agent. We represent, more or less vaguely, and always from some specific point of view, a concrete being. This being has certain habitual characteristics, and some aspects of its nature have caught our attention more than others; and if we are ourselves the agent, we clearly only conceive that which can have the closest relations to our own nature. In other words, because we cannot separate the act from the agent, the conception of an act that we can accomplish cannot be separated from the concrete representation that we have of ourselves. And that is why an athlete, whose mind is full of images of struggle, exercises, and muscular contractions, etc., who perceives himself habitually not so much an intelligent and reasonable being, as a vigorous organism and a system of powerful muscles, will more readily conceive of recourse to force and violence than of recourse to argument, to dialectic, or to persuasion.

33. *Instability and Aboulia.*

Men having neither stable temperament nor firm character, easily change their type, and in certain pathological cases successively exhibit different aspects (the alternating personalities of hysterical subjects), and sometimes experience a great difficulty in conceiving action; it seems as if the source of practical life is exhausted in them. We call them aboulic, but they lack will especially because of their

mental instability, which prevents them from having a clear conception of themselves. Defective personal perception involves more or less marked defect in practical conceptions. How could such beings ever raise themselves very high in the moral hierarchy?

No idea attains in their mind sufficient clearness to determine voluntary action, or even to arouse deliberation; for clearness of representations in general, and of practical conceptions in particular, proceeds from the attention which is given to them—that is to say, in short, from their agreement with the deeply rooted and constant tendencies of a subject. When the tendencies are only fugitive, there is only weakness of attention, and therefore incapacity from the practical point of view; and what better sign could be found of the instability of tendencies than the absence of a constant self-conception, of a personal perception varying insensibly save in details of secondary importance?

To sum up: the first stage of moral action, the conception of practical possibilities, appears to us as a psychological fact varying with the individual but closely connected with his character, and of the highest importance from the point of view of elevation, value, and of decision itself. For if the choice is made among the possible courses that are conceived, how can we choose acts which are wide in their moral scope if we are found incapable of conceiving such acts?

34. *Deliberation.*

The conception of an act as simply possible, and not as necessary, involves the consideration of the

following question: Will it be realised, will it be in the form in which it was conceived, or in a new form requiring a new conception (which this time is made in the course of deliberation, in virtue of the incessant modification of the content of the consciousness)?

It may be affirmed that in most voluntary acts, if not in all, the primitive conceptions are modified by the sole fact that one hesitates in their immediate realisation, and that they are submitted to an examination. In fact this examination is always arousing motives and sentiments in favour of or opposed to the project in question, which thus appears in a new form at every step taken in the process of deliberation. As M. Bergsen has clearly pointed out,[1] we too often neglect to consider the incessant progress made in the mind by a practical idea of which we are examining the advantages and the disadvantages; instead of remaining fixed as a *thing*, this idea participates in the movement of the thought, in the life of the "soul," that totality of images, of ideas, of emotions, and of actions, the existence of which is conditioned by instability. Sometimes, deliberation and conception have been contrasted, not only as we have just contrasted them, for the purposes of analysis, but by distinguishing them carefully one from another, as two successive phases which cannot overlap. To deliberate, however, is in a sense to continue the work of the conception of an act until the synthesis of the motor images is sufficiently powerful in the consciousness to determine the corresponding muscular exertions.

But at this second stage it is no longer imagination, mental association, and memory which play the

[1] *Les Données immédiates de la Conscience.*

principal rôle; it is the sentiments, the emotions, and the tendencies, the reasonings and the beliefs.

A practical idea arises in the mind by the partly sub-conscious play which we have described above; it immediately pleases or displeases; it is in conflict with or is favoured by certain beliefs; it is in agreement or disagreement with certain principles, prejudices, scientific axioms, or simple judgments of the æsthetic taste; and finally, with the aid of certain general propositions, the mind deduces the particular consequences of the act proposed; or rather, that act is brought into relation with other particular analogous facts, and from them is derived a particular rule, which is or is not in harmony with rules which have been previously admitted. This is a summary description of the processus of deliberation; the processus is repeated more or less completely as many times as the idea is even ever so slightly modified; so that sometimes deliberation is of considerable duration, which may be an index of the always very great complexity of such a mental act.

It is easily seen that when it is a question of a moral act to be deliberately accomplished, the nature of the psychic processus is very complex. Kant,[1] in his far too summary psychology, only admitted *one motive* of moral conduct; he held that only the sentiment of respect for the law of duty, an *a priori* sentiment, and the only one we can conceive as necessary, should determine the choice of the reasonable being. Deliberation could not therefore be of long duration, hesitation was not permitted, all other sentiments but moral respect being at once avoided as "pathological."

[1] Cf. Bradley, *Ethical Studies*, Essay iv.; Mackenzie, *op. cit.*, chap. v.; Sidgwick, *Outlines of the History of Ethics*, p. 272.—TR.

It is true, no doubt, that Kant recognised that whatever be a man's morality he has never yet acted out of pure respect for the moral law. His theory, *ipso facto*, applies to superhuman beings. An ethical doctrine which professes to direct the conduct of men ought to take into account the psychological complexity of our nature. "Nothing," says M. Renouvier,[1] "could do more to prevent the diffusion of the principles of Kant in the world than to require—so uselessly for the foundations of this theory, so vainly when we consider man as he is constituted, and even human nature as we can understand it—that action, to be morally good, must be exempt from passion. He himself confessed that he did not know if any action of the kind had ever taken place; and I may add, that I do not know if the purely rational agent, supposing such an agent were possible, would be morally superior to the purely 'passionate' agent, being given identical data of action. I think it is doubtful."

Contemporary disciples of Kant have recognised that "passion is part of a man's nature";[2] that there are sentiments (such as love) which may be approved by reason; and finally, that "the general agreement between sentiment and reason is complete" in the conception of a really human ideal. "Every thesis which definitively separates the elements of human nature is erroneous. Man is an order, a harmony of reciprocally conditioned and therefore inseparable functions."

The occasionally dramatic character of deliberation is due to the conflict of different tendencies. The

[1] *Science de la Morale*, p. 185. [2] Renouvier, *ibid.*

opposition of the vilest and the most generous passions, or the grossest appetites and the loftiest inclinations, compels the mind of the moral agent to pass through peculiarly exciting alternatives when it is a question of critical determinations. The more a mind is developed, the more numerous are the tendencies which a practical conception "awakens, and associates itself with for the purpose of strengthening or weakening itself," if one may use such expressions, considering the ideas as capable of attraction or repulsion, and of association with the emotions, the inclinations, the desires, etc. In reality it is the personal consciousness which becomes this or that, which successively admits according to its law of evolution, according to its fundamental nature, sometimes one tendency, sometimes another, this in turn giving place to a third; while others, less clearly perceived at first, approach the point of apperception, or prepare for the appearance of another.

35. *The Conscious Processes.*

The conflict is not so much a struggle between simultaneously presented elements, as a succession of facts of consciousness, which being incapable of simultaneous presence in clear consciousness, must each await its turn; so that each first appears victorious over all the others only to be immediately dethroned by its successor.

It is of importance on this point to destroy a general misconception, due to the metaphors which are used in the ordinary language of psychologists. They present deliberation as a kind of progressive

accumulation, in the two scales of a balance, of weight and counterweight, having each its mental effect just as the metal weights have each the physical effect which is inherent in them. Inclinations are thus transformed into *things*, instead of being considered as simple, fugitive modifications of an essentially unstable subject, necessarily in process of change.

In reality, in deliberation there is a state of consciousness which is being more or less slowly elaborated, which will be complex in proportion as the states of anterior consciousness have been progressively more complex, have each embraced in its synthetic unity an ever-increasing number of ends and feelings. The practical idea gathers like a snowball because the thought develops, being maintained in a constant direction by the attention accorded at first to a conception, and maintained and revived unceasingly by the interest the conception offers from several points of view.[1]

The condition of attention, as we have seen, is that the representations are as concrete as possible, and are closely connected with the interests of the individual, or associated with the characteristic tendencies of the being. Deliberation is therefore the natural consequence of an interesting conception. If the tendency to which responds the practical idea which has been conceived is a simple tendency, exclusive of any other—a passion or an appetite which demands to be satisfied without our being able to oppose it by another sentiment,—then deliberation is immediately concluded. If the direction taken by the mind is less unilinear, if the attention is attracted in different

[1] Cf. James, *op. cit.*, ii. 528.—Tr.

directions, thanks to the intrusion of different interests, then deliberation lasts until the oscillations of the attention cease.[1] In the animal the attention is especially unilinear, and that is why in the conduct towards man of the inferior beings there is no important modification or prolonged hesitation; the appetite of the animal carries it at once by the shortest and the easiest way, and therefore most often by hereditary means, to realisation or ends which are always the same, or vary but little from generation to generation. During three-quarters of his existence man is no doubt purely and simply an animal; instead of reasoning he is often content to infer; instead of willing he repeats and imitates; instead of discussing he obeys; and there is no greater tyranny than that of habits of mind fortified by collective custom, fashion, and social constraint, to which, as we shall see farther on, we give way unconsciously, and which dictate in many cases our conduct, pointing out the means and the ends.

36. *Irreflection and Good Manners.*

The distinction between manners and morality depends entirely on the fact that we may have good manners according to the environment in which we live without having real morality, and unmoral good manners are created the more easily in proportion as we are the slaves of custom, tradition, the requirements of our age, country, caste, or city, and in proportion as we live mechanically, the sport of exterior influences.

To examine human nature from the point of view

[1] James, *op. cit.*, ii. 529.—Tr.

of the action which is most in conformity with that nature itself, taken in all its complexity, we can conceive of a mode of determination superior to that of so many people who have only good manners, who only choose in reality what others have chosen for them, and only approve of what is approved in their own environment, etc. People of this type never experience the feeling, almost approaching anguish,[1] which is not infrequent in the being who meditates, sees the inconveniences and the advantages, and has to decide in spite of his doubts, in spite of apprehensions which are often stronger in proportion to the length and the conscientiousness of his reflection.

Such a man has evidently used a human privilege; some may say that it is a melancholy privilege; human nature has what are obviously defects, but defects to which its greatness when compared to animal nature is due. If the beasts have instinct with its relative certainty and invariability, they have not the merit of a voluntary decision which is sometimes painful, and sometimes unfortunate, in spite of good intentions, but which is still a decision alone worthy of a being who aspires to self-guidance.

Facts show that most men, and especially those whom the majority consider as the best representatives of the human race, believe that the superiority of man over the other animals springs from that multilinear attention which M. Ribot distinguishes from animal attention by calling the one spontaneous and the other voluntary. It is therefore agreed that in the present conditions of human existence we

[1] *Video meliora proboque, deteriora sequor.*—Ovid, *Metam.*, vii. 20.—Tr.

must attribute the greatest importance to the diversities of the tendencies in deliberation.

37. *The Choice of the Best.*

Now when a man deliberates on the investment of his fortune,—if he chooses, for instance, to build a comfortable house rather than to invest his money in the funds or in property,—what determines his choice is the desire to satisfy the tendency which he thinks the best. It would be absurd for him to satisfy himself by the gratification of a desire or of an appetite of which he disapproved; it would be at once self-approval and self-disapproval to consider a tendency as evil and to act as if it were good. No doubt a man may openly disapprove with his lips, and yet at the bottom of his heart approve of one and the same tendency, and all the time be acting quite *bonâ fide;* for not infrequently are we led by our reasoning to conclusions which we do not trust, and which we formulate without conviction, under the influence of a logic which is that of the language and the mind, but at which the passion that, in spite of all cavil, possesses us, is moved to mirth.

What is impossible, and Socrates[1] clearly saw this, is that we should know one thing to be good and proclaim another to be bad, sincerely and from the bottom of our hearts, and yet in spite of this that we should choose the latter. For that to be so, according to Aristotle,[2] we can only have a general recognition of good and evil, and we must blunder in our reasoning in passing from the general to the particular.

[1] *Meno*, 77. —Tr. [2] Cf. *Ethics*, Book III., chaps. i.-v.—Tr.

Now the good, from the point of view of the psychologist, is simply the object of a desire, of a tendency. The idea of the good is only universal because the tendency is, every tendency responding to the category of *end*. Tendencies differ, and so do the different forms of the good; and just as certain tendencies conflict and others overlap, so there are irreconcilable forms of the good, and forms of the good which serve as means to the realisation of higher forms. The conflict between tendencies corresponds to a definitive or transient opposition of ends or forms of good.

38. *Priority of the Tendency over the Idea of the Good.*

But is it the *end* which determines the tendency, or is it the tendency we have experienced which makes us conceive of certain ends and forms of good? This is the question recently asked by the physiological psychologists, as they are sometimes called in opposition to the psychologists of the intellectualistic school. To the former it is the outlined movement which by its direction reveals the end to which the vital processus tends; by taking into account the biological modifications and their object we acquire the psychological notion of tendency. Natural adaptation is therefore anterior to conscious finality, just as movement is to intention, or the reflex action to the voluntary act.

It follows that we are not conscious of all the tendencies of our being, of the appetites which govern us and determine us without our knowledge, and which combine we know not how. We outline

our movements, and we are not the masters of these outlines of action. Their fundamental determinism causes the determinism of our voluntary deliberations.

This determinism of psychic by biological facts, and this subordination of conscious tendencies to unconscious appetites, are of the utmost importance in the examination of deliberation and of voluntary choice, especially when that choice is moral. If the good is the aim of the tendency (instead of determining the tendency itself, as most philosophers and moralists suppose), each will conceive the supreme good according to his predominant tendency, and this tendency will triumph over the others in energy and constancy, not by a free act, not in virtue of an inexplicable decision of the mysterious will, but in virtue of that biological determinism which is expressed by the word "temperament" or "character."

39. *Moral Subjectivism.*

Hence, each will conceive the good in his own way, according to his psycho-physiological nature, and will be led by that nature to one choice rather than to another, since in the succession of phenomena of which deliberation is composed, the tendencies appear each in its turn, and all save one disappear, whether they are eliminated altogether or blended with that which persists, uniting with it in order to definitively fix the attention. Undoubtedly this scientific datum, if exact and exclusive of every other datum more favourable to morality, runs the risk of inducing us to abandon purely and simply every attempt to exercise by theories, discourses, or exhortations, any influence whatever on the determinations

of our fellows. Those alone can be convinced of the excellence of a form of good, whose tendencies are orientated and hierarchised in the direction of that good; those who have an ardent and passionate temperament will necessarily adopt a hedonist morality; those whose temperament is cold will only comprehend a utilitarian morality; in short, we must adapt moral theories to the different temperaments, and not try to subject all types of man to a single rule.

But the scope of individual differences must not be exaggerated; in many cases human solidarity has the same effect as animal instinct with its uniformity and specific character.[1]

40. *Unification of Tendencies and Heredity.*

This solidarity has a twofold psychological foundation—sympathy and heredity. Sympathy is the mark of an aptitude, as it were, to put oneself in unison with others, especially from the emotional point of view. Such an aptitude allows of the ready propagation, in the crowd, of the emotions, tendencies, and sentiments of a few individuals. It is the cause of spontaneous imitation, alogical, and sometimes illogical, and M. Tarde[2] has shown us how important this imitation is from the point of view of morals. It creates collective sentiments, emotions, and tendencies, sometimes so violent that, like individual passions, they tend to destroy all that is opposed to their development; *ipso facto* it is the principle of social constraint. Men in more or less numbers,

[1] Cf. Guyau, *Education and Heredity* (Walter Scott), pp. 82, 83.—TR.
[2] *Les Lois de l'Imitation*, pp. 158-212, and *passim*.—TR.

united by a solidarity of sentiment and therefore of interest, will always try to impose on individuals their manner of seeing and feeling; and they will only discover that they can not attain their object of imposing it on most isolated minds by a constant repetition of the same acts, inducing a habit, more and more inhibitive to unfavourable reactions.

The result is that men living in society (and how can they live otherwise?) have with few exceptions mutual solidarity in good as well as evil, and are incapable of isolating themselves to live each according to his own caprice, and according to an original conception. The "gregarious instinct" created the primitive solidarity, that of animals, which M. Durkheim calls "mechanical solidarity."[1] Now the gregarious instinct is simply the result of sympathy, of moral contagion, of the constraint naturally exercised on the individual by collectivity. As soon as he became conscious of this instinct, man caused it to disappear as far as its form is concerned; but he could not destroy its causes, and therefore the most important of these causes still subsist. All society tends to uniformity of manners through uniformity of emotions, tendencies, and sentiments. This acquired uniformity is made hereditary by the individual or social transmission of aptitudes. The power of tradition cannot be gainsaid. The family forms a complete solidarity of several successive generations; the same spirit animates its different members, characters are brought into harmony, and just as one might give a generic image of the individuals who compose the family aggregate, so one might discover their common character from the

[1] *Op. cit.*, pp. 73-117.—Tr.

point of view of manners, sentiments, modes of emotional reaction and of appetition.

In the city as in the family, in the state as in the city, in the race as in the state, although with diminishing force, may be manifested in the same way the solidarity of successive generations, the more recent inheriting their prejudices and inclinations from their predecessors.

We must therefore add to the immediate influence of imitation the repeated influences which are exercised on ancestral consciousness, and which have contributed to the birth of hereditary tendencies favourable to some modes of conduct and unfavourable to others. If it is safer not to assert the hereditary transmission of more or less complex ideas, of conceptions as comprehensive as those of a certain moral good, we may believe in the transmission of certain appetitions and repulsions which are created by the contact of mind and experience, and which then determine a series of acts and a sum-total of habits, in some measure instinctive, of which it would be difficult for the agent to explain the origin and the formation. These tendencies, which rise one knows not whence, possess an imperious character which can very often convert into categorical imperatives precepts which at first were technical rules or counsels of prudence, or simple forms of obedience to the collective will. The individual who feels rising within him in this way sentiments of obligation of which he does not know the psycho-physiological source, is naturally prone to believe that he hears "the voice of conscience," and that he is benefiting by a "revelation of duty."

Very often a man has a noble or a mean soul be-

cause he is hereditarily predisposed to independence of mind and to freedom, or to docility, humility, and obedience, by the aptitude and manner of action of several preceding generations. We then feel it our duty either to revolt against tyranny, or to assist the weak, or to abstain from every form of cupidity or meanness, or, on the other hand, we are disposed to submission, compliance, or vengeance.

We have discussed the individual determinism due to the influence which is exercised by the peculiar temperament and character of each being on his tendencies and his decisions. We now see another determinism, that which springs from the influence exercised on the individual by the social environment in which he lives, and in which his ancestors have lived, an influence which tends to nothing less than to make him as like as possible to his fellowmen. These two determinisms are therefore in conflict, unless the former becomes continuous with the latter, owing to the simple fact that the individual temperament and character are almost entirely formed by the environment and by heredity.

Whether the individual tendencies are in harmony or in disagreement with the collective, the latter are none the less important factors, though very often ignored, of voluntary deliberation. In spite of ourselves we are the product of our age, country, and race; and, however keen may be the desire to be singular, even if we wished to push originality to the verge of the bizarre and the eccentric, we cannot succeed, so deeply are we impregnated, so to speak, by the collective spirit.

Here, then, is the principal obstacle to the

establishment of a morality which has already been successfully attacked; the fundamental sociability of man is opposed to each having his own conception of the good and of practical tendencies, a conception radically different from that of his contemporaries.

41. *The Reason.*

But we have, so far, omitted to remember that man is a reasonable animal, and that in addition to his animal appetites — assuredly born of unconscious appetitions of the different elements of his being, such as the appetite for food or the sexual appetite—he possesses tendencies to intellectual life, such as are afforded by study, meditation, the contemplation of beauty, etc. The most empirical psychology may recognise that man experiences pleasure in thinking, acting, and reasoning in a rational manner. These tendencies, no doubt, do not come to him from the organism; this pleasure is not so clearly psycho-physiological as the other emotions; but it is none the less true that certain *savants* have had the passion for truth, a passion which has proved the dominant rule of their lives, and that other men—artists, dilettanti, and "believers"—have had a lasting and fruitful passion for the beautiful, and for the rationally conceived ideal.

We must therefore recognise that the desire of living the rational life, so far from not being clearly preponderant in all men, is nevertheless almost universal, and that, as Spinoza said,[1] the love of reason

[1] Cf. Guyau, *La Morale d'Épicure*, iii. pp. 235, 236.—TR.

is of all human tendencies the most capable of bringing us into agreement.

We may preach to our fellows the love of reason without the fear that their different temperaments will lead them to turn a deaf ear to us. Even the most passionate almost always wish to act reasonably, and try to understand and to make their action and their choice understood by indicating the why and the wherefore.

If the animal could be questioned as to his acts and his motives he could only argue from the act that he necessarily conceives, and that his nature causes him to conceive; man questioned in the same way, seeks as a rule the reason of his choice in a perfectly human motive, the desire for systematic action,[1] and he recognises that he is only wrong when it is proved to him either that his conduct is not coherent or that his choice lacks rationality.

It is because reflection on his own nature can give to man these tendencies that pure physiology will never explain them, or will only explain them imperfectly. Finding that he can learn, man tries to analyse these processes of his knowledge; he rises to the idea of necessity or law, and from that moment he seeks around him what is necessary—obedience to the law. Necessity implies universality. The law is theoretical or practical.

When it is practical, it is called the rule of universal conduct, and thus the love of reason involves respect for the moral law. Kant's psychology was correct when he imagined that he saw this sentiment, which is the motive of the noblest human actions, involved in what is generally called

[1] *Vide* Section 19.

"good will." That is certainly a great psychological truth. Man has a very strong tendency to act from good will—that is to say, out of respect for a rational rule. This tendency may counterbalance the effect of many others, and, in a large measure, may contribute to the final decision.

42. *The Union of Different Tendencies and of Reason.*

The desire of acting rationally cannot always be in itself alone the determinant motive of voluntary action; it must be united to others having a more concrete and therefore more attractive object than reason. Intellectual desire only acts energetically on the human mind when it is united to appetites and desires which have their roots in the depths of our psycho-physiological being. Is such an alliance possible? Kant did not doubt it, because he believed that you will never meet with a man who has acted through pure respect for the moral law and from practical pure reason. And further, every kind of sentiment may present in its totality a rational character, for the desire of realising a system, far from excluding different tendencies, implies on the contrary tendencies as varied as possible.

Thus we find what we thought we had lost in the course of our psychological analysis: the possibility of acting on others by moral theories, the faculty that men have of a mutual agreement to adopt a rule or a collection of common rules of conduct, which are objective, imposing themselves on all in the name of a power revered by all, a power which is no more exterior than

interior, and which rather is immanent in each of us, only compelling us to act by means of the influence which we attribute to it.

But being reasonable by nature, as by nature we are led to the satisfaction of numerous appetites, we become more or less reasonable as we become more or less impulsive, according to the education we have received, our environment, our circumstances, and the physical, biological, and sociological influences to which we are exposed. Thus we are sometimes more and sometimes less disposed to act rationally. There are ethical civilisations and hedonistic civilisations; others, again, are utilitarian, and others idealist—civilisations of every kind, some more and some less suited to the development of those higher tendencies which are characteristic of human nature.

In short, tendencies, whether hereditary or acquired, whether part and parcel of our character or preponderant but for the moment (and in these we include rational tendencies), seem, so far, to be the only determinant causes of our moral volitions as much by the influence that they exercise on conception and deliberation, as by the choice which they involve.

II.

LIBERTY AND MORALITY.

43. *Kant and Free Will.*

What becomes of liberty in the presence of so much determinism? We know what importance the affirmation or negation of "free will" has

assumed in moral theories. Kant admitted as necessary "the supposition of independence with respect to the world of the senses, and that of the existence of a faculty to determine one's own will according to the law of the intelligible world,"[1] or, to put it in another way, "the causality of a being in so far as he belongs to the intelligible world;"[2] but he did not believe in the free causality of a phenomenal being; in the world of phenomena he saw nothing but determinism.

In the sensible sphere, which alone is of interest to positivists and phenomenists as the only one that we can know, Kant was content with respect for the law of duty as the sole motive which must determine virtuous actions. He then gives us the example of a moralist who, outside the metaphysical considerations by which he is otherwise attracted, is content with a determinism in which he brings in on good grounds as the principle of determination, the tendency to act according to reason.

The affirmation of noumenal liberty neither hinders nor aids any one. In no way does it hinder those who have rejected the belief in the noumenon, those who consider the substance of the metaphysician as an accursed idol; it in no way assists those who believe in the existence behind phenomena of a "thing in itself," of which we can know nothing, and which can only intervene in the positive order by taking a sensible form. The hypothesis of noumenal liberty is only definitely used in Kant's doctrine to affirm the existence of a character which is proper to each phenomenal being. The being in himself having freely decided to take this or that character, the

[1] *Critique of Practical Reason.* [2] *Ibid.*

sensible man has the corresponding character. To us who know how many different factors concur in the formation of our character, the Kantian hypothesis is hardly anything but a confession of psychological and sociological ignorance: the philosopher of Koenigsberg himself, ignoring the laws of individual and social heredity, and of solidarity in time and space, thought he was laying down the really primal term when he chose the individual character.

44. *The Origin of Character.*

Can it be said that this was a total mistake? We do not know the factors of our principal tendencies and principal habits; but will not one point always remain in obscurity—the radical origin of our ego?

At what moment do we begin a distinct existence?

If we admit that the first moment is the dividing up, the bipartition, for instance, of a cell till then single, from that moment the being has its own peculiar orientation, which differs very little it may be from the orientation of the neighbouring cell; it manifests attractions and repulsions which are not those of the relatively simple beings which surround it. It has already its own character, which will exercise an influence on its own evolution, which is already the "directing idea of the organism" of which Claude Bernard speaks. External stimuli will no doubt provoke reactions which, as they become habitual, will give rise to tendencies, or at least to acquired appetitions and repulsions, which will combine with each other and with fresh appetitions and primitive repulsions to constitute a more and more complex character; but every reaction of a given subject is a

function of that subject, and bears the mark of the peculiar nature of that subject; so that to discover the external causes of such and such a character does not dispense with the necessity of discovering the matter on which these causes are exercised. It is this primal matter which may be considered as a radical irreducible fact. For to say that an organised being has had as its origin the bipartition of a cell does not yet suffice as the full reason of its appearance in nature. Was the mother-cell a simple unity? Did it not comprise under its envelope different elements or groups of elements already orientated in a different manner? And who can ever tell us the origin of the natural elements?

If we got so far as to show how nature forms with inorganic elements the simplest organic compounds, if we were to discover in physico-chemical combinations the principle of life, of biological and psychological organisations, we could then claim to give a reason for the characteristic appetition of this or that embryo, from the number and the disposition of its molecules and atoms; and we could then go back to the source of the radical diversity of characters. But the distinction between the organic and the inorganic ever tends to be effaced, not so much by the reduction of properties vital to the mechanism, as by the identification of chemical affinities with vital properties; the domain of life seems to be as wide as the domain of nature. "Life," says Claude Bernard,[1] "is creation. . . . The organising synthesis remains internal and silent. . . . Vital destruction is only comparable to a large number of physico-chemical affinities of decomposition and subdivision."

[1] *Leçons sur les phénomènes de la vie*, pp. 39, 40.

Would not therefore the hypothesis be too bold were we to assume the reduction of living organism to even a considerable number of physico-chemical phenomena, such at least as those we are familiar with?

45. *Science, Conscience, and Liberty.*

The first principle of each individual character therefore remains mysterious. Is that a sufficient reason for supposing it is an act of liberty? The imagination of the metaphysicians could rigorously lead up to the conception of a soul penetrating the mother-cell, we know not how, to determine its biological development in a determinate direction; but such a supposition without a basis would be valueless and unworthy of belief. However, a mind, an already complex consciousness, only appears to us susceptible of free will, if we understand by liberty not the simple power of deviation,[1] which Epicurus recognised in atoms, but the power of choosing after deliberation, and of making a choice dictated by reason.

The affirmation of free will is therefore rather in conflict than in harmony with the data of science. Our ignorance of the first commencement of every individual existence leaves no room for the supposition of a kind of primitive "clinamen," a blind determination, without reason or moral value.

It is true that certain contemporary thinkers have seemed to give to liberty, and therefore to the dignity of the free being, a place apart among psychological facts, by asserting liberty to be "an immediate

[1] Lucretius, ii. 292. TR.

datum of the consciousness."[1] They have thus revived and remarkably strengthened the old spiritualistic thesis of liberty affirmed by the witness of that inner sense, to which, unfortunately, we cannot attach much importance, for it hides from us most psychic facts, and only lets us see most other facts confusedly, whatever progress introspection may have made. They have carried analysis as far as possible, in order to destroy the illusion that the first observation of ourselves creates, by making us conceive of our states of consciousness as juxtaposed, and of the elements of these states as independent of one another, acting one on the other just like weights, or any other mechanical forces. The thesis of determinism has thus been refuted by a searching study of ourselves. You have only to know yourself well, they tell us, to see your liberty. Nothing could prove it more clearly than the affirmation of a philosophical conscience, of a critical spirit which has reached a very high degree in the power of analysis, discovering in the continuity of its ego and of its psychical future an obstacle impassable by all determinism.

But the datum of the consciousness is a simple negation. Let us admit that we have proved that the determinism of psychic facts, such as they are usually conceived, does not exist. It is not established, inasmuch as each being from his birth to his death is endowed with an autonomy such that his liberty is inviolable and his moral dignity incomparable to any other known value. Once more in this interminable dispute between the partisans and

[1] Cf. *Les données immédiates de la conscience*, a thesis by M. Bergson, an eminent professor at the College de France. Alcan, 1889.

the adversaries of liberty, the partisans have shown the futility of certain arguments brought forward by their adversaries; but the discussion is far from being closed, and it would be childish to proclaim metaphysic liberty as an indisputable and fundamental fact.

46. *Belief and Liberty.*

"It is clear," says M. Renouvier, speaking of the thesis of real liberty, "that I ought only to seek for its acceptation by belief and by free belief. I notice that the postulate (of liberty) arising out of and not preceding morality, is essentially concerned with other doctrines than pure morality. . . *This postulate is not demanded for the existence of morality.* . . What is indispensable to morality is not a postulate, it is a fact, *the fact of liberty that is apparent and practically believed*, and from which no one can escape who deliberates and resolves on an act, comparing different possibilities in relation to the good, possibilities equally practicable according to his practical judgment, none of which is presented to him beforehand as obligatory."

M. Fouillée goes farther in the same direction. He is content with the illusion of liberty. He believes that although real liberty may fail us, the *idée-force*[1] of liberty, however little may be its objective value, will render us the greatest services from the moral point of view.

[1] An idea-force is the surplus force added to an idea by the factor of its reflection in consciousness. Cf. Fouillée, *L'Évolutionisme des Idées-Forces*, Intro. iv., "Importance de la question des Idées-Forces en Morale," pp. lxvii-xciv.—TR.

Thus the question is set in fresh terms. Is the idea of liberty necessary to moral action? This idea cannot be that of an indifferent liberty, leaving to the will (a mysterious entity) the right of pronouncing arbitrarily, and, if necessary, in conflict with the conclusions of reason, with pure indifference to all ends and feelings.[1] Such a liberty would only be favourable to absurdity; for the characteristic of good sense and judgment is that it gives the reasons of things, facts, and acts. The free man *par excellence* would be the man who could give the reason of none of his voluntary determinations, who would never know why he acts, and who, like certain insane people, persecuted or impulsive, would only feel the effects of a force which urges him, leads him, and decides in him and for him, without his really taking any part in the decision. If men had ever for the most part the conviction that they were themselves the possessors of a faculty freed from all rational control, making all deliberation and all reasoning useless, would not the result be horrible, and should we not see a kind of fatalism arise, based on the belief in a *Fatum* immanent in the individual, replacing the "destiny" of days gone by, which at any rate demanded a universe and took the place of cosmic law?

The idea of liberty therefore should be reconciled with the idea of determinism; but then, it may be

[1] "Motifs et mobiles." The *motifs* are ideas influencing the volition —are intellectual. Thus a *motif* is initiation of action by *ideas* or ends in view. The *mobiles* are sentiments, passions, etc., influencing the volition—*i.e.*, are emotional. Thus a *mobile* is initiation of action by *feeling*. It will be seen that it is difficult to find simple words which will adequately express the meaning of *motifs* and *mobiles*.—TR.

that of a determination by oneself opposed to that of a determination by a power outside oneself, of an internal opposed to an external causality. The idea of a free man is that of an agent who is really an agent instead of being simply an intermediary for the transmission of movements. A billiard ball is not considered free because it receives the external impulse which in its turn it transmits; but some ordinary minds consider that animals are free (the surest indication of this belief is that, as a rule, they impute to animals misconduct, and strike them and ill-treat them as if they were responsible beings capable of improvement), because an animal appears as a veritable point of departure of movement, as a prime motor, capable of giving rise, to use M. Renouvier's expression, to a really first beginning.

Those thinkers who refuse liberty to the animal grant it spontaneity, and reserve the name of liberty for the reasonable spontaneity of man. But to them a mysterious power of initiative remains the essential thing in their conception of free will. Now psychology, by revealing, as I think I have shown above, the mechanism of deliberation and choice; the subordination of attention, the most important phenomenon of all in voluntary choice, to the sensible appearance of different and more and more powerful tendencies; the formation of tendencies and their close independence with respect to the environment, to heredity, and to physico-chemical and biological phenomena; will not psychology, I say, faithful to the scientific spirit, crush the belief in this power of initiative, in this idea of liberty, and crush it the more easily the more illusory it is?

It may be objected that the conscience will always protest against scientific affirmation, and will hold by the apparent fact of liberty. That is as if we were to say that the conscience will always protest against such a scientific assertion as that the earth moves round the sun, because the sensible fact is the rotation of the sun round the earth. The most ignorant man in the civilised nations of our time knows perfectly well that it is the earth that turns, and if he had in some action to take account of the relations of the earth and the sun, he would rather trust the scientific assertion than the sensible datum.

We have seen that although science has not yet succeeded in proving the absolute determinism of the facts of consciousness, it hardly leaves any place for an original contingency. Let us then be frank enough to say, to teach, and to prove, that liberty, as it is too often conceived, is an illusion due, as Spinoza foresaw, to ignorance of most of the determining causes of our decisions.

We do not believe in the virtue of illusory ideas; the power of an illusion can in every case be only of short duration; we cannot base morality on, or to say the least support it by, a so-called fact which has only to be applied to secure its disappearance, in a great measure at least, because it includes so large a share of error.

47. *The Person, the Real Agent.*

Moreover, truth will not have the disastrous consequences that are imagined. Determinism, properly understood, does not compel us to see in the moral agent a simple instrument, or a simple means of

transition for an impulse which has come from elsewhere. Every organised being has its form, which is irreducible to another form, and which has at least as much importance as its substance. Individual properties appear with the appearance of life, and so do action and reaction according to the nature peculiar to each individual.

We must also avoid an error that is common enough, although it is frequently pointed out: that which is committed whenever we consider the effect as contained in the cause. To positive science as well as to the phenomenist philosophy, cause is only the antecedent which by its presence or by its relative position determines in a subject certain consequences, impels a subject which is capable of action to certain well-determined actions,—*actions which cannot fail to be identically reproduced under the same circumstances.*

Now, when it is a question of a living being which is continually changing, the effect on it of a constant cause is also changing, and in the proportion in which the total change affects the relation originally existing between the cause and the part or function of the subject specially interested. We see, therefore, that in a living being the same causes run a considerable risk of not producing the same effects at different times. A remedy taken now cannot have exactly the same effect as if it had been taken some week ago; *a fortiori*, the same object may very well fail to produce on me to-morrow the same explosion of anger which it determines to-day. I am the immediate cause, in the scientific and philosophical sense of the word, of this change of causal relation; this is because my ego is changing, and it is because it

is following out its own peculiar evolution that the effect will not be produced.

The living being, especially the reasonable being who reflects, and whose reflection still more complicates the psychical processes by introducing into them a wider share of personal influences, rightly therefore considers himself as an agent, as a cause endowed with a peculiar efficacy; he rightly says that he is not determined to act as he does only by what is external, that he is not compelled by external forces; that he is a bundle, a system of relatively independent forces. He claims that he is competent to choose between possibilities the field of which is circumscribed by external necessities; and in fact, a certain number of actions remain possible until the moment when deliberation, attaining its "term," makes one of them necessary. No doubt the factors of this deliberation are sentiments and tendencies; but they are *his* sentiments and *his* tendencies; they are *he* in short, for he is nothing more than his psychic states.

Differences of opinion on liberty spring in most cases from the vicious conception of the ego, which is supposed to be something outside the ends and feelings which then seem to determine it. But these tendencies, these representations linked by reasonings, which are the ends and motives[1] of our actions, these are *we*, our ego, progressively determining itself.

To sum up, although the evolution of the acting agent, the ego, is, if not altogether, at least in a great measure, determined by external causes, yet the ego is the immediate cause of its voluntary decisions by the

[1] *Vide* footnote, p. 87.

personal and original future which is quite its own, and quite irreducible to any other phenomena of nature. It is therefore the origin of a new causal series; if we cannot give from other sources the why of its nature, at least we can give the why of its acts. This has been done rather than that because I was the agent and no one else. Could I prevent myself from doing that? The question is the same as if I were asked if I could not be what I was, or become other than I was. But I needed an anterior or present motive to be other than I am, a cause of modification in my future. If it is not found in me, if it did not depend on me at the instant of its birth, if it could not depend on me until the external aroused it in my mind, I have been what I could be and that differs from what I might be now. I could not therefore say why my deliberation is not further prolonged; *the fact is* that it has been checked at a certain point, because *I* have not pursued my researches farther, or in another direction.

48. *Conclusion.*

Ethics must, therefore, be content with regarding the being as a real moral agent, and must, therefore, set itself *to procure for men at the moment they are about to take a decision, as many ends and feelings as possible, so as to make deliberation as enlightened as possible.*

There are social means of reinforcing useful stimuli, of diminishing the influence that harmful stimuli have upon a mind of attracting or distracting the attention; there is an individual and collective discipline which constitutes the moral education of the child and of the adult, and which issues in deliberations which are more and more

fruitful in happy choice. To prepare, from the tenderest childhood, the ego to intervene *as representing reason* in the breast of nature, is to prepare man for freedom with respect to the individual passions, for obedience to a common law, and for a rational rule of conduct; and moral liberty consists in such a freedom and in such an obedience.

The being which would have been only able to obey its passions is thus led to obey the rational law. Its cause is found in the nature of the man who allows, as we have seen, a tendency to act in a systematic manner, to think according to reason, and to give a reason for acts in their conformity to a law. This tendency *may* be weak or strong, its influence may be slight or sovereign. The desire to strengthen it has always been the *intelligible choice* of a certain number of individuals, of moralists; and they are the cause, by the action they have exercised on their fellows, of its power in humanity, of the place that is made for it in education, and therefore of the rôle it plays in the *intelligible choice* made by moral beings[1] (although each of these beings may be the real cause of his choice). And therefore morality, far from being useless, if the idea of liberty does not exist as most moralists and philosophers have conceived it, becomes, on the contrary, more and more useful in proportion as men take more and more account of the determinism of their actions, and of

[1] Thus *moral liberty* appears as of *psycho-sociological origin*, an aspect under which it has never yet been presented. The nearest approach to such a conception would be the *idée-force* of M. Fouillée; but it must not be forgotten that it is definitively but the illusion of liberty, as long as the social evolution which we here indicate is real, and has a cause in the psychological nature of man.

the necessity of each becoming an "ego" more complex, more rich in tendencies, and, in particular, more led to act rationally.

The moral agent only appears to us at his best when under the dominion of its characteristic tendencies. These are, therefore, the tendencies which we must study, co-ordinate, and arrange in a hierarchy, in order to make a synthetic unity of the moral ego.

III.

THE MORAL TENDENCIES.

49. *Different Tendencies, Different Doctrines.*

As we have already seen, the problem which we have to solve is this:—What is the tendency or system of tendencies which is the best fitted to characterise a reasonable being, determined to action by a moral will? There are scarcely any tendencies which have not in turn been adopted by moralists as capable of giving rise to good conduct; the grossest and the most refined pleasures, those of the senses as well as of the æsthetic taste and of the "intellect," have been recommended to virtuous man; the egoistic tendencies as well as the altruistic, the tendency to inaction as well as the tendency to effort, have been equally extolled. In general, an incomplete view of the exigencies of human nature, and ignorance or contempt for some of the normal tendencies of man, have been the cause of the adoption of moral theories which are unsatisfactory when we consider their remoteness from psycho-sociological reality.

50. *Naturalism.*

Because to live according to nature seems normal to most men, some writers, for instance, after an imperfect enumeration of the various forms of life according to nature, impose on man as directing tendencies of conduct the same tendencies which determine the course of animal existence.

Epicurus and Spencer agree in asserting that the search for pleasure being common to all natural beings, this search must be the motive of human actions.[1] Admitting that the desire of enjoyment is the predominant desire in most men, it would not necessarily follow that it remains the predominant desire of all reasonable beings, and *a fortiori*, if it is merely ascertained that it is a general appetition in the animal series. No doubt we cannot form a great gulf between the human and other living species; we can believe in the continuity of universal evolution, and in particular of animal evolution, and we ought to admit it more and more as a scientific fact. We therefore are free from the prejudice which makes certain moralists say that it is exactly because such and such a mode of action is animal, that man ought to regard it as unworthy of him, and rather adopt the contrary mode of action; such a prejudice is too obviously the mark of the metaphysical mind which imagines the distinction and opposition between matter, "flesh," and "spirit."

[1] *Vide* Spencer, *The Data of Ethics*, chap. iii. p. 46 (1879): "Pleasure somewhere, at some time, to some being or beings, is an inexpugnable element of the conception. It is as much a necessary form of moral intuition as space is a necessary form of intellectual intuition."—TR.

But, to refuse to see in man any new tendency superior to those experienced by animals, is also the denial of a scientific fact—viz., the progressive perfection of the animal species. The same difficulty which makes it so hard for psychologists to agree on the nature of rational mental activity, easily leads moralists to exaggerate two contrary tendencies, the tendency to assimilate completely human to animal conduct, and the tendency to draw a profound distinction between them. So that the general solution, which, without disposing of the particular questions, makes them more easily approached, should be the same.

Human reason does not differ fundamentally from animal intelligence; it is only a perfected form of it. While the animal associates images, man in his judgments takes consciousness of his power of association, and affirms the objective value (attributed spontaneously by the animal to its representative synthesis, itself spontaneous) of the reflective synthesis he effects. While the animal is content with practical inferences which make him avoid a stick like that with which he has been beaten and a fire like the fire which has burned him, man, by reflection on his mental operations, analyses them, distinguishes between their different stages in order to place them side by side after having separated them and reasoned on them. While the animal is capable of classing objects from the point of view of their utility or its own particular likings, man classes them according to the most general and most disinterested tendencies from the universal point of view. He thus reaches the idea of necessity and law, and then, thanks to science, he moves by rapid

steps from the lower stage, which was his point of departure, and which remains the last term of the mental evolution of animals.[1] It is, therefore, reflection, the higher degree of attention paid by a being to himself, which constitutes, from the speculative point of view, the superiority of man. This superiority involves a greater elevation of sentiment, the appearance of æsthetic, religious, intellectual, and social tendencies, of which only the veriest rudiments are to be seen in the mind of beasts. But just as the human use of reason is a continuation of animal intelligence, and constitutes an efflorescence of nature from the intellectual point of view, so the disinterested, æsthetic, religious sentiments, etc., which are the glory of humanity, are not external to nature, are not in opposition to the appetites and tendencies of animals, but rather constitute their legitimate end.

Pleasure results from the gratification of a tendency, on condition that the lack of gratification of other tendencies does not involve keener discomfort. The animal experiences pleasure in satisfying his instinctive activity without a check; as we have seen, it has an appetite, or a small number of predominant appetites, which constitute the ordinary source of its pleasures and pains. In man this is far from being the case; instinctive activity is almost evanescent; the instinct of preservation and the sexual instinct have lost most of their blind and automatic although well-defined characters of activity; and the most diverse tendencies may acquire preponderance according to the individual,

[1] Cf. Romanes, *Mental Evolution in Animals* and *Mental Evolution in Man.*

the temperament, and the environment. Thus we see in certain men the most delicate sensibility destroyed, or at any rate lessened, by the grossest pleasures, and even this refined sensibility becomes the lot of the few. Some find their greatest pleasure in the exercise of power, in the wielding of authority, and others in a state of tranquillity which is not untainted by servility; others in self-renunciation, charity, love; and others, again, in perpetual amusement. When it is claimed that a man ought to seek his pleasures like the animal, we forget the difference that a higher degree of evolution has effected between the two modes of activity—animal pursuit and human conduct.

51. *Hedonism.*[1]

The precept, "Seek your pleasures," may be used in a twofold sense. The first, "Seek each the pleasure that gives you the activity most in conformity with your predominant tendency," furnishes us with a precept of moral *anomia*, of social anarchy, and brings us directly to a type of conduct very different to that of the brute; for the brute at least subordinates his different interests to the vital interest safeguarded by his instinct; while the man who does not conceive a hierarchy of pleasures, a scale of values, and a scale of interests, is capable of subordinating his vital interests to harmful pleasures.

[1] On this section the following may be read with advantage:—Lecky, *History of European Morals* (1890), vol. i. chap. i.; Bain, *Mental and Moral Science*, Book IV., chap. iv.; *The Emotions and the Will*, chap. viii., "The Will"; Mackenzie, *Manual of Ethics*, chap. vi.; Sorley, *Ethics of Naturalism*, chap. vii.

But if we give to the precept the second meaning that it may have, "Seek the pleasure that is most in conformity with human nature," from that moment we formulate a command which requires numerous commentaries, which can only be carried out at the cost of considerable reflection, which implies lofty ideas, and in the front rank of those ideas, the idea of duty. For to command a man to seek that mode of activity which pleases him best, is scarcely to command, in the proper sense of the word. At most it is to approve of his giving himself up to moral anarchy, to encourage him to persevere in a method of conduct which it is far too easy for him to adopt. But to command him to seek the pleasure which is most in conformity with human nature, is to oppose to the choice to which his individual character would have led him, the choice that every reasonable being *ought* to make in order to experience a pleasure which every man should endeavour to experience in order to be a man in the fullest sense of the word.

And what in the opinion of the various moralists is this pleasure? Have they thoroughly analysed human nature? have they not neglected one of the important indications of psychology and sociology by calling pleasure supreme? That is the question which we must now ask ourselves. It is true that we cannot *a priori* refuse to pleasure a place in ethics. Pleasure is one of the most important psychical phenomena; and a morality which does not take pleasure into account is purely theoretical and useless; as we have seen, concrete beings are not moved by abstract ideas, but by the arousing of tendencies, and every tendency issues in either pleasure or

pain. Now pain determines movements of repulsion or aversion; pleasure determines movements of attraction, appetitions which keep alive the primitive tendency and develop it instead of destroying it. For a precept to act on man, not only must it correspond to a tendency, but this tendency must also be strong enough to procure pleasure, a pleasure as far as possible without pain, which demands no too painful a sacrifice, or which procures an intense pleasure by virtue of the sacrifice.[1]

But the tendency to experience pleasure and to avoid pain is not the first of all, either in the psychogenetic order, or in the order of relative importance. In fact the tendency manifested by the new-born child, which is met hardly anywhere else but in the lower stages of idiocy,[2] and which subsists to the last in the insane, is the tendency to eat whatever comes within reach (even things that are disgusting, as do idiots and certain classes of the insane, without appearing to experience either pleasure or pain, except perhaps at the moment when the stomach is replete).[3] This instinct is the first specific phase of the instinct of preservation, an instinct which later arouses tendencies of appetition or repulsion when agreeable and painful emotions are sufficiently differentiated and have become the signs either of the useful or the good, or of the harmful or the bad.

Besides, the tendency to seek pleasure enters into conflict at a later stage with the instinct of preserva-

[1] Cf. J. S. Mill, *Utilitarianism* (1891), p. 23.—TR.

[2] We do not say in the "lowest" stage, because certain idiots have not even the instinct of preservation under the form of the instinct of nutrition.

[3] Cf. Mercier, *Sanity and Insanity*, pp. 287 *et seq.*; Ribot, *The Psychology of the Emotions*, pp. 200 *et seq.*—TR.

tion with which at first it is intimately allied. This is because the agreeable emotions are associated with numerous modes of activity, more or less remote from the modes adapted simply to the preservation of existence, and because from the tendency to preservation inevitably springs the tendency to development, which gives rise to innovations, some useful and some harmful; and it is found that certain harmful innovations have, nevertheless, been agreeable, because pleasure is not a sign invented by nature to warn man of what constitutes his good; because pleasure is the psychical result of biological modifications, multiple reflexes, and other organic phenomena that may be determined by a poison as well as by a healthy beverage, and by morbid as well as by moral activity.

52. *Epicureanism.*[1]

Epicurus seems to have understood this, for he has divided desires into three classes—(1) Natural and necessary desires; (2) desires which are only natural; and (3) desires neither natural nor necessary—and only conceded the satisfaction of natural and necessary desires, and therefore of those which are the strongest and most capable of procuring pleasure without too keen an accompanying discomfort. But is his enumeration of the natural and necessary desires complete?

It has been said that the morality of this philosopher issues in the morality of "dry bread." It is, in fact, essentially negative. Every pleasure

[1] Diog. Laert., x. 149. Cf. Guyau, *La Morale d'Épicure*, chap. iv., pp. 45-57.—Tr.

resulting from action must be avoided as uncertain, unstable, and likely to produce in the future more pain than pleasure. The wise man must, therefore, content himself with the restful pleasure which consists in a natural tendency to satisfy his most pressing needs, those of food: "He who lives on dry bread and water need envy Jupiter in nothing."[1] Throughout the doctrine of Epicurus there are certain signs of a positive conception of human happiness. First, there is the distinction between corporeal pleasures, which are momentary, and the pleasures of the mind, which are accumulative, and perpetuated by foresight and memory.[2] No doubt the pleasure of the soul consists in prevision and recollection of the apathy induced by the gratification of the natural and necessary desires of the body; but it would be remarkable if a Greek, seeing to how large a degree his tendencies were speculative, had not conceived beyond the corporeal apathy a mental ataraxia[3] permitting some of the pleasures of the intellect. We find an explicit trace of this conception in the Epicurean theology, in which we see the gods who are only superior men placed in the "interworlds" there to live happily, needing neither sleep nor food, because they taste the charms of conversation and of the loftiest intellectual life. For they are beautiful and reasonable; they enjoy that intellect which, as Epicurus himself asserts, is the greatest good.[4]

Whatever view we may take on this particular point, there is no doubt that the Epicurean con-

[1] Cf. Diog. Laert., xi. pp. 130-46.
[2] *Op. cit.*, p. 137.
[3] Ribot, *The Psychology of the Emotions*, p. 360.—Tr.
[4] *Op. cit.*, p. 131.

ception of supreme pleasure is incomplete, and inadequate to the requirements of human nature. Even admitting that Epicurus has prescribed the search for pleasure which results in the free exercise of the intellect, we must not forget that he has formally banished the pleasures of social and family life, and *ipso facto* all the gratification which may result from disinterested intercourse with other men, with art, and with politics. He has impaired human existence, deprived it of most of its attractions, and has reduced to a minimum its requirements. Instead of trying to subordinate the different desires to one another, he has suppressed nearly all of them, only retaining that without which the most restricted human life would be almost inconceivable—the desire of satisfying hunger. He has not even endeavoured to give to the sexual instinct, powerful as it is, and prompt as it is in its vengeance on those who abuse it, the satisfaction that is its due.

To sum up, the morality of Epicurus is the apotheosis of idleness, of that moral inertia which tends to realise an unnatural physical inertia. To criticise it from the psychological point of view, it appears to be the result of a huge blunder, or at least of a pathological conception of human nature. Asceticism alone has gone further in this direction than Epicureanism.

53. *Utilitarianism.*

The practical mind of the English philosophers has led them to reject the ascetic[3] and to retain the utilitarian principle of Epicurus. They did not wish

[3] Bentham, *Theory of Legislation*, chap. ii.—Tr.

to deprive themselves of the varied pleasures of human life, but they endeavoured to choose the pleasures which would bring to them after a longer or shorter interval happiness of the most lasting and most durable character.

This was the reason of the "arithmetic of pleasure," heralded by Bentham,[1] careful, like his compatriot Priestley, of "the greatest happiness of the greatest number." Although they dwelt but little on human solidarity, the fact of a profound community of interests was none the less accepted at the end of the eighteenth century, and even at that time there was no endeavour to separate individual from collective well-being. Besides, sympathy appeared, if not to all as a factor of morality, at least in general as a natural phenomenon which must be taken into account; brutal egoism seemed clumsy even to individuals who saw in the sacrifice of certain petty private satisfactions to the common benefit a skilful operation destined to procure for the agent many more advantages than those he sacrifices.

Morality therefore became an affair of calculation and intelligent choice of the acts most suited to safeguard private and collective interests, as intimately connected as possible. What reproach could be laid to the charge of a morality which took into account all human interests, from economic interests to æsthetic, and which endeavoured to induce men to adopt every mode of activity which would lead to the most complete satisfaction of our tendencies both as individuals and as social beings? Could

[1] "On Bentham and Epicurus," *vide* Guyau, *La Morale Anglaise Contemporaine*, chap. i., p. 13.—Tr.

it be reproached with not proving the necessity of the conduct it commended? It would answer triumphantly, though indirectly, by pointing to the number of attractions which it presented to the sensible being, the power that is conferred upon it by the promises of happiness that it could make and fulfil; by affirming that there is no moral law in the sense of the word law in general—that is to say, so far as its necessary and inevitable relation is concerned; that there are moral precepts the value, and *a fortiori* the necessity, of which can always be contested; but that in the hierarchy of moral precepts the highest place is occupied by the most efficacious. And not one of them would be more efficacious than that which would correspond to every human tendency, which would clash with none, and which could, if followed up, give complete happiness or at least the greatest happiness possible.

We cannot, therefore, discredit a moral theory which would satisfy all interests and prescribe what is useful to them as a full safeguard. But it should be preceded by another theory, having as its object the reduction of the diversity of human interests to the unity of a system, for we know by experience that they can never be reconciled as long as they are in isolation.

54. *Interest and Desire.*

If you separate interest from desire, you may no doubt assert that my interest, properly understood, is identical with yours. But from my point of view your claim cannot be allowed, for my interest is

what is good for me, and that alone appears to me good which is in conformity with my desire. Modify my desires, change my tendencies, and prove to me that they are bad. If you succeed in convincing me, and if we go so far as to have the same or reconcilable desires, we shall have the same interests, or interests which are either complementary or in harmony. But to modify my tendencies being precisely the immediate object of morality, you will be arguing in a vicious circle if you claim to base your moral theory on the postulate of the fundamental harmony of interests, or of their natural subordination.

So far as the reasonable will, in harmony with science, does not intervene to establish in the most objective possible manner a scale of values, a hierarchy of ends, such that an end becomes a mean for a higher end, useful in its turn for the realisation of a still higher end; so far as one is not brought in consequence to the highest psychological and sociological considerations, the utilitarian formulæ remain with no wider scope than that of a general precept which meets with too little opposition to remain the sole precept of morality. "Do what is useful for the realisation of the good" is to say "He who wants the ends wants the means," and that is saying nothing at all.

55. *Egoism.*

In fact, the utilitarian doctrine only takes a particular aspect when it is opposed to the morality of disinterestedness, of generosity, and of the love of

others, and becomes clearly the morality of an individual or collective egoism.[1]

The utilitarian, in the true sense of the word, does nothing from æsthetic or intellectual interest, nothing from devotion to an ideal out of which he does not know whether or not he can extract some advantage or pleasure. The type of the utilitarian is the business man, the Englishman on whose lips is always the famous word "business," and who in matters of love, or religion, or æsthetics, never forgets his business.

It is not long before such a man is inconsequent with himself, just as the miser who from the preliminary search for gold as a means of procuring for himself pleasure or happiness, is not long before he takes the means for the end, and the possession of gold as the principal object of his activity. John Stuart Mill has admirably shown how, as an effect of the association of ideas, the means so closely associate themselves with the end that they become the unique term close behind which the term that is passed disappears in the distance.[2] (In this way also is explained man's search for virtue and moral value.)

The horizon of the utilitarian then becomes more

[1] "I think," says M. Renouvier (*Science de la Morale*, vol. i. p. 194), "that there is no abuse of ordinary language in using the word interest to indicate the group of human ends which comprises three forms of good or elements of happiness: (1) those which directly concern the observation of the individual; (2) those which concern his powers of the material or impulsive order when his passions have only himself as their end; (3) his means or his accumulative power of preservation and enjoyment. . . . Utility like interest has a collective direction, but does not cease to be applied to the individual and his material good in the final analysis."

[2] Mill's *Utilitarianism*, 1861, pp. 54 *et seq.*; Sorley, *Ethics of Naturalism*, pp. 134 *et seq.*—TR.

and more restricted. First of all desirous to procure for himself the means that are useful to the loftiest satisfactions, whether of an intellectual, æsthetic, or social order, he little by little comes to search for the means that are useful to the satisfaction of appetites which are common to man and to the animal.

In vain was John Stuart Mill's famous declaration:[1] "I would rather be a discontented Socrates than a satisfied pig;" most of his disciples were not long before they considered Socrates as a dreamer, a utopian, a man who did not know how to conduct his business, and preferred to that unfortunate sage the happy merchant who, without any elevation of mind or heart, succeeds in his enterprises, enriches himself, and assures for himself an existence of gaiety and good living.

Such utilitarians give us an excellent instance of the theoretical insufficiency of utilitarianism; they show the practical powerlessness of a doctrine, definitively directed, but incapable of being rigorously systematic. The formula, "the greatest happiness of the greatest number," will be an empty formula as long as the happiness that is sought for is not better defined. The worst of tyrants will pretend that he is causing the happiness of the greatest number of his subjects by putting to death, exiling, or imprisoning all those who do not think as he does. The most anarchist of theorists may on his side claim to make people happy by allowing each to act according to his own sweet will.

[1] "It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied." *Utilitarianism*, p. 14.—TR.

56. *The Collective Interest.*

The sacrifice of individual to collective interest can only be prescribed when the collective interest is well defined. Now, collective interest is either, as some of the best thinkers conceive it, in conflict with the opinions of the masses, or in conformity with the aspirations of the greatest number. In the first case we may be well assured that the masses will be ignorant of those interests that some assert are veritably theirs, and these worthy souls will sacrifice themselves to no purpose without finding any other satisfaction than that of duty accomplished—viz., the satisfaction of the conscience. In the second case they will give way to the impulse of the masses and the pressure of the mob, rather than act morally. They will resign themselves "to a large number of practices which will not be less obligatory than others, without, however, its being possible to see what services they are rendering to the community."[1]

"For collective utility to be the principle of moral action, it must be in most cases the object of a fairly clear representation before it can determine the conduct. Now utilitarian calculations, even if exact, are combinations of ideas which are too subtle to act much on the will, . . . since the interest is not immediate and perceptible, it is too feebly conceived to give an impulse to activity."[2]

"And further, nothing is so obscure as these questions of utility. However slight may be the

[1] Durkheim, *Division du Travail social*, p. 12.

[2] We must not forget, in fact, that interest from the psychological point of view is inseparable from tendency, and that the keenest tendency accompanies the clearest and most concrete representations.

complexity of the situation, the individual no longer sees clearly where his own interest lies. . . . But the evidence is still more difficult to obtain when it is the interest, not of an individual, but of a society, which is at stake. . . . And even if we were to examine the rules, the social utility of which is most amply demonstrated, we see that the services which they render cannot be known in advance."[1]

So that not only have the commandments of morality never, as a matter of fact, had "as their end the interest of society," but it is impossible to effectively command a man to take as his end the safeguard of real collective interests, when he is incapable of safeguarding and of recognising his real personal interests. And if instead of real interests we simply speak of the ends in which an individual is interested because of his tendencies, there is no doubt that a being without moral culture, and without a preliminary idea of duty, will spontaneously interest himself more in what corresponds to his strongest tendencies—*i.e.*, his nearest and most personal ends. Remote and imperfect ends, such as the well-being of society in a thousand years' time, will leave him indifferent.

It is true that it is objected that, as a matter of fact, there is no conflict possible between the search for real individual happiness and that of the happiness of the greatest number; so that it is not at all necessary for the individual to deliberately propose to himself collective happiness as his end. "But to speak only of actions done from the motive of duty, and in direct obedience to principle: it is," says J. S. Mill,[2] "a misapprehension of the utilitarian mode of

[1] Durkheim, *ibid.*, p. 14. [2] *Utilitarianism*, p. 20.—TR.

thought, to conceive it as implying that people should fix their minds upon so wide a generality as the world, or society at large; . . . the thoughts of the most virtuous man need not on these occasions travel beyond the particular persons concerned, except so far as is necessary to assure himself that in benefiting them he is not violating the rights—that is, the legitimate and authorised expectations—of any one else. . . . The occasions on which any person (except one in a thousand) has it in his power to do this on an extended scale, in other words to be a public benefactor, are but exceptional: and on these occasions alone is he called on to consider public utility."

So that in all other cases, that is to say in almost every case, the utilitarian will think, like the wise Epicurean, of himself, or at most of a small circle of friends. Provided that he abstains "from whatever is manifestly pernicious to society," by being useful to himself he will be working for the common good. But, then, if his happiness consists in this gratification of the commonest and simplest tendencies, and if only the most foolish things are of interest to him, and if his type is generalised in society, shall we not reach a mode of social existence from which will be banished, not only every lofty and generous feeling, but even every cordial understanding? For nothing divides men more than low, common, and inevitably selfish sentiments.

Can one prove this harmony of common and individual utility otherwise than by postulating in the individual great loftiness of thought and relatively disinterested tendencies, or, at least, interests which are outside the sphere of common individual interests?

John Stuart Mill seems to count too much on a moral sense developed and refined among all men. "Those who are equally acquainted with, and equally capable of appreciating and enjoying both [kinds of life], do give a most marked preference to the manner of existence which employs their higher faculties. Few human creatures would consent to be changed into any of the lower animals; . . . no person of feeling and conscience would be selfish and base."[1]

But these people who are susceptible of healthy appreciation, and these men of feeling, are rare. These are not the men who have most need of precepts of morality; the elevation of their sentiments would almost suffice to make them truly virtuous. It is the majority of men who lack such elevation, who are always requiring to be directed, raised, and brought to the conception of an ideal of happiness higher than that which they can imagine by themselves. Their spontaneous search for the useful is therefore of no moral value; their happiness is not a moral happiness.

And this is the crowning condemnation of utilitarianism; the system is only good for conspicuously moral beings.[2]

57. *Intellectual Happiness.*

The primordial interest, personal or collective, seems to be that of self-preservation. But the tendency of the being to persevere in his being, which Spinoza proclaimed to be the very essence of

[1] *Op. cit.*, p. 12.—Tr. [2] Cf. Mackenzie, *op. cit.*, pp. 103, 104.

all reality, can only issue in immobility and stupor. Combined with the tendency to change, it gives rise to a desire of regular development which may be confounded in many cases with the desire for happiness.

What is happiness in fact but the persistence of a desirable state, the prolongation without fatigue of a pleasure, and therefore of quite a particular pleasure, since pleasure in general (according to all psychologists, and also for physiological reasons connected with nervous exhaustion and modifications in the composition of the blood) is followed by pain, and transformed more or less promptly into a painful feeling?[1] The state of happiness does not admit of violent emotions or of too keen an excitement. It is much less compatible with the sensorial stimuli, with mobility of mind and body, than with the intellectual and contemplative life, or with moderate activity and the peaceful life. And that is why the tendency to happiness accommodates itself very readily with tendencies to the intellectual development and to the exercise of the rational faculties.

The latter tendencies, as we have seen, are human, and we must not underrate their importance. By the side of the need of action, which is as animal as it is human, and which is derived directly from the necessity to life of development, is the need of thinking, reasoning, assigning causes, discovering laws, understanding and explaining, which is properly human, and which raises in certain men a devotion to science, a love of truth, and the intensive culture of every means adapted to give a satisfactory know-

[1] For Pleasure-Pain *v.* Stout, *Manual of Psychology*, pp. 276-283. —TR.

ledge of things and of oneself. But it must not become exclusive.

To my mind, Aristotle, after having laid down the principles of an entirely theoretical morality, had the great merit of recognising that this ethic is rather better for gods than it is for men. "It is not *quâ* man but *quâ* something divine residing in him"[1] that man is called upon to live the properly intellectual life, and to enjoy the happiness that follows the contemplation of the intellectual. "That, no doubt, is beyond human nature," for man is a composite being, and has a soul composed not only of intellectual functions but also of functions that are nutritive, sensitive, appetitive, and motive.

It is none the less true that to Aristotle the moral ideal is precisely that activity of the divinity which experiences no passion and no desire, which has nothing to will, having nothing to desire, which knows nothing of the world, and delights itself in eternal self-contemplation. To propose to man as a distant end, no doubt, but as the supreme object of the desire which moves the whole world (the search for the divine), this *purely intellectual perfection*, is to prepare the wise man, who has only a practical wisdom and "ethical virtue," to have no interest in terrestrial action and to live for pure speculation alone.

Aristotle himself added to the acute observation to which we have just referred, a precept that the mystics will interpret wrongly, although in itself it is harmless. "One must not, because one is a man, have, as certain people point out, a taste for human things, and because one is mortal a taste for mortal

[1] *Nicomachaean Ethics*, Book X., chap. vii. p. 10.—Tr.

things, but so far as it is possible we must make ourselves immortal and do all we can to live in accordance with the noblest part of our being."[1] Now to Aristotle to make oneself immortal does not mean to assure for oneself a personal immortality, an immortality of which the Greek philosopher did not seem to have any very clear conception. To him it meant to succeed in living the intellectual life which is the divine and imperishable life.

58. *Mysticism.*

Plotinus and the neo-platonists saw in this passage from their master a confirmation of the stimuli of Plato, according to whom the soul, imprisoned in the body,[2] must ever unceasingly tend to escape and endeavour to break the bonds by which it is connected with it.

The mysticism which has as its consequence morbid ecstasy[3] is thus the issue of a moral theory which tries to raise men's ideals far above human miseries. To wish to enter into communion with a divinity which has hardly anything human about it, which we conceive as bodiless and almost soulless, since it is nothing but a pure spirit, is not merely to attempt the impossible, but it is to give way to madness.

Mysticism can only flourish by the abandonment of manly thoughts, by the renunciation of the exercise of his reason by the reasonable being, for to exercise

[1] *Op. cit.*, Book X., chap. vii. p. 12.

[2] "Like an oyster in its shell," *Phaedrus*, 250; the body is an enclosure or prison in which the soul is incarcerated, *Crat.* 400.—TR.

[3] Cf. Sidgwick, *History of Ethics*, pp. 105-108.—TR.

his reason is to judge with his will when he only affirms or denies according to human tendencies. Now human tendencies, unless they are morbid, are not attracted by the unknowable, by the mysterious, incomprehensible being, the very conception of which demands an effort which can only be translated in our language by giving it its full meaning—extravagance.

The morality of the mystic is that of morbid impulses, hallucinatory visions, and delirious conceptions. Such is the fatal result of the disequilibration of the mental functions when it is a question of giving absolute predominance either to pure intellect or to pure love.

The mysticism of the present day has sometimes taken one of the varied forms of eroticism.[1] Men seek a subtilised form of love which has nothing human about it, and in which there is no "fleshly passion." They only succeed in realising this extraordinary sentiment by a distortion of normal love. The latter is at first quite inseparable from the sexual instinct; but there are perversions of the sexual instinct which only allow a few general characteristics of the multiple characters of the corresponding impulse to subsist. In certain cases the primitive love of the individuals of a sex for the individuals of another sex becomes a vague love of humanity, and in other cases, an equally vague love of a divinity that is only partially conceived.

To this is due the morbid aspect of the religion of humanity in certain Positivists, and especially in Auguste Comte during the latter part of his life.

[1] Havelock Ellis, *Psychology of Sex*, ii. pp. 267 *et seq.*; Ribot, *The Psychology of the Emotions*, pp. 99, 319. -TR.

This new religion, endeavouring to replace the moral practice inspired by positive precepts, differs but little from the ethico-religious practices which are based on the love of God: it is still a mysticism, for it claims to develop in man a sentiment which normally can have no place in his heart; the love of Humanity in general differs as much from the love of concrete beings as the love of the unknowable, which men always conceive under some particular aspect, differs from it.

We cannot ask a man to sacrifice his pleasures, and the delights of his present existence, and his tendencies, which are usually directed towards ends not remote or to present objects, to the sole desire of divine happiness or the happiness of a vague Humanity throughout thousands of years; this desire, aroused by confused or abstracted notions, will never have any real efficacy save on morbid minds, inflamed against nature, trying to crush every natural instinct and every really human inclination, and only taking delight in so precarious an amusement, because of the disequilibration of their condition.

59. *The Ethics of Spinoza.*

A great philosopher has proposed to man a love of God, of reason, and of humanity as a whole, which may be substituted for all the other sentiments, which may destroy them all, and of itself assure happiness. This, I think, adequately characterises Spinoza and his celebrated theory of the "amor Dei intellectualis."

His whole ethics tends to show that human passions

are due to confused visions, and notably to ignorance of the true cause of phenomena. To avoid the slavery of the passions, and to become at the same time active and free, every event must be referred to God, to the unique substance which is the sole cause of it through the inevitable inter-relations of phenomena. To see the necessity of what is, to consider oneself and all other beings as a necessary mode of a divine attribute, to win immortality for one's soul by making of it a thought exactly corresponding to the "idea which necessarily expresses the essence of the human body in God,"[1] or "an idea which expresses the essence of the human body *sub specie æternitatis*[2]—that should be the principal care of the wise. The duty of the disciple of Spinoza, as well as of the follower of Aristotle, is to make himself immortal by avoiding all natural passions. "From the third type of adequate knowledge (intuitive knowledge of things seen under the aspect of eternity) necessarily arises the intellectual love of God. For from this kind of knowledge results the joy accompanying the conception of God as cause, which, by the fifth definition of the passions, constitutes the love of God, in so far as we conceive it eternal, and that is what I call the intellectual love of God."[3]

This love is nothing more than the sentiment which accompanies the conception of a universal necessity, accepted, not without resignation, as if it were a question of an odious fatalism, but with pleasure because the reason is satisfied. Is not such a moral philosophy of superhuman grandeur?[4]

[1] *Spinoza*, V., Prop. xviii. [2] *Ibid.*, Schol. [3] *Ibid.*, Coroll. xxxii.
[4] Guyau, *La Morale d'Épicure*, "Mais cet amour, au fond, n'a rien de libre; c'est une necessité," p. 236.—TR.

It presents itself, however, in all Spinoza's work as an ethic of great social influence, since the *amor Dei intellectualis*, the love of pure reason, appears to us as alone capable of uniting men who are divided by their individual interests and passions.[1] Spinoza's politics are a legitimate development of his morality. The degree of morality required for the soul to become immortal is not therefore proposed as an inaccessible ideal; Spinoza believed in the possibility of realising in human nature his conception of the virtuous being. It may be surprising that the thinker who has so skilfully analysed the passions of man, who, no doubt, experienced them with intensity, should have attributed to pure love of the universal reason so great a power. But we must never forget that Spinoza is an inflexible logician, absorbed in demonstrations *more geometrico*, who, when once a principle is laid down, follows it up to its remotest consequences without troubling himself about their agreement with reality.

From the tendency of the being to persevere in his being, joined with the belief, which in his opinion is false, that others can favour or oppose this essential tendency—from this he derives all the passions, and from this in the same way he deduces all "actions," all morality, and every fundamental "conatus," joined to the idea that God is the sole and eternal agent. And thus Spinoza does not trouble himself with human nature; he pursues his long series of demonstrations, corollaries, and scholia after having by a stroke of the pen substituted pure reason for the passionate nature of man. And that is why his Ethics is at once so beautiful and so use-

[1] *Vide* above, sect. 41, p. 77.—TR.

less; it is one of those noble works which win admirers but not disciples.

To require men to renounce their natural sentiments and to devote themselves either to the disinterested contemplation of the true, as Plato and Aristotle required, or to the love of God, of Humanity, or of reason, is quite obviously to demand a superhuman effort. All the springs of the soul are broken in a state of extreme tension; or rather, there is nothing left but illusion, self-dupery in a sham morality.

60. *The Stoic Morality.*

Nor is normal systematisation best assured by those moral theories which develop to excess analogous sentiments.

Stoicism is a doctrine of excessive tension (τόνος) against everything which may appear indulgence to human nature. Epicurus attained a kind of asceticism from an excessive desire for apathy; in their search for impassiveness the Stoics eventually despised pain, and even brought themselves into the mental attitude of the martyrs; their love of virtue led them to the conclusion that it is nowhere to be found.

We must not be led astray by their maxim, ζῆν ὁμολογουμένως, which was very rapidly completed by the disciples of Cleanthes, if not, indeed, by Cleanthes himself, ὁμολογουμένως τῇ φύσει ζῆν. For it is not a question with them of living according to human nature, but rather according to the rule which governs all nature, the λόγος immanent, at the same time both reason and providence, which is the

principle of order in the universe, and should be in man the principle of that order, that harmony, and that beauty in which virtue essentially consists. "Our own natures are parts of universal nature, our *end* is therefore to live conformably to nature."[1]

To introduce the least disorder into the universe is to be vicious, and in vice, as in virtue, there are no degrees. "A man in the water does not drown any more at six feet deep than at six hundred below the surface of the water." The recognition of a possible progress towards the highest virtue, a progress which was already the sign of a virtuous nature, was a tardy improvement of the doctrine. The wise man could not have one virtue without having them all. But where are we to find that wise man?

All men, then, were "mad, impious, and slaves," for the Stoics themselves confessed that they had never seen their ideal realised. This was because the wise man ought not only to have all the virtues, to be "the sole just and pious man, the sole priest, the sole *savant* and poet, the friend, citizen, general, magistrate, orator, dialectician, and grammarian" *par excellence*, but he ought also to experience no passion, for passion is an "irrational movement of the soul, a stormy and immoderate impulse, contrary to nature," from which the virtuous being is exempt because he is infallible.[2]

No doubt there were noble affections which the Stoics admired—joy, rational elevation as opposed to pleasure, circumspection and will—but the ideal state was none the less in their eyes impassivity, the absence of all abandonment to pleasure or pain, and

[1] Renouvier, *Manuel de Philosophie ancienne*, t. ii. p. 282.
[2] Cf. Diogenes, *Life of Zeno*, vii. 108-118.

they did not desire to experience happiness except under abnormal tension.

Pity seems to have been unknown to them; they praised friendship and practised it; they gave noble examples of devotion and solidarity; and we cannot forget that it was one of the last of the Stoics who called himself a citizen of the world, extending his affection to the whole human race; but there was in primitive Stoicism the unmistakable sign of appalling hardness of heart. How many forms of good were there on which the sage cast a disdainful glance? How many evils did he consider negligible? Does pain depend on us? If it is not in our power to avoid it, or to cause it to cease, it is therefore a matter of indifference to us, it does not count: we need pay no attention to it. "The existence of all so-called evils is explained by the necessities of organisation and life. These are all circumstances connected with the great final causes of the universe, and are therefore as such indifferent to the sage."

This optimism, which sometimes had such tragical consequences, has some grandeur about it. It is a false grandeur nevertheless, like that of the man who does not wish his poverty to be seen. That psychology is erroneous which refuses to recognise that, in many cases, emotions and tendencies are normal facts of the mental life. It arbitrarily demands of human nature impossible sacrifices.

61. *The Æsthetic Sentiment.*

The Stoics seem to have always given to their doctrine the attraction which a conception, that has

for its centre the idea of the beautiful, always has on the human mind. They had conceived of the universe as an admirable order, as a reality full of harmony and finality, in which the human mind ~ æsthetic joy; was it not inevitable that man, in a ~ could find a thousand motives of astonishment and spirit of what one may almost call sulkiness, should have attempted to destroy this marvellous totality? Madman had been he who, refusing to conform to the natural law, was compelled by an effort which was against reason, and therefore powerless, to destroy a divine and eternal harmony. Rarely since the days of Zeno, Cleanthes, and Chrysippus, have the moralists had a tendency so marked to associate closely the ideas of the good and the beautiful. Kant, however, made of the æsthetic sentiment, the resultant of a spontaneous agreement of the sensibility and the understanding, a preparation, as it were, for the moral sentiment. And it seems that he was right when he saw in æsthetics the "antichamber" of morality.[1] The sense of the beautiful may, no doubt, be produced independently of every moral sentiment. All that is beautiful is not satisfying to our conscience. Art aims at cultivating sentiments, which, to be disinterested, in comparison with hedonistic and utilitarian tendencies, are none the less more akin to satisfactions of the intelligence than to moral satisfaction. A work of art, or a natural phenomenon worthy of admiration, appeals especially to the imagination and to the reason; to the one they give a free course in the field of the concrete, connected with the present perception and

[1] Cf. Ruskin, *Sesame and Lilies*, "Taste is not only a part and an index of morality; it is the *only* morality."—TR.

the idea at first evoked; to the other they allow its favourite occupation—synthesis, "subsumption," as Kant called it, of a multiplicity of data under the unity of the concept and of the multiplicity of concepts under the unity of the principle. Thus they procure for us the *pleasure of amusement*, of human amusement *par excellence*, unknown to animals because they have not a reason sufficiently exercised to experience the pleasure of disentangling ideas, and of giving them the richest possible sensible expression. But in direct relation with conduct is the character of the "communicability" of æsthetic impressions and pleasures. Guyau put it very well when he said: "When I see the beautiful I want to be two."[1] The enjoyment that one experiences in the contemplation of a work of art is one of those very rare enjoyments which we love to share with others, or to experience in common. The more numerous are those who share in an emotion of this kind, the deeper it is in each, and that because of the repercussion of the emotions of others in oneself. Then is produced in fact one of those phenomena of sympathy which are the point of departure of a new order of tendencies—the altruistic tendencies.[2]

62. *The Altruistic Tendencies.*[3]

Sympathy in its rudimentary form is nothing more than a physiological and mental adaptation to a fact

[1] Cf. Guyau, *Problèmes de l'Esthètique Contemporaine.*—TR.

[2] Cf. Ribot, *op. cit.*, chap. x.—TR.

[3] Ribot, *op. cit.*, chap. iv., "On the different and conflicting degrees of altruism;" *vide* Sorley, *op. cit.*, p. 143.—TR.

of emotional expression in another.[1] The animal is not incapable of experiencing its effects; man experiences them much more keenly because his mind is simpler, and his spontaneous reactions are less obstructed or inhibited by reflection or by counter associations of an empirical origin. In the presence of a being exhibiting keen pleasure or pain, the intelligent and "naïve" animal (if I may use this word of the being in whom are absent the "antagonistic reductives," which ordinarily place an obstacle in the way of suggestibility or credulity) permits its clear consciousness to be invaded by the, from that moment, very lively representation of the emotion of another; and in virtue of the well-known law in accordance with which the preponderant image produces the realisation of the corresponding movement or system of movements, we see the spectator of the pain of a fellow-creature either betray signs of similar pain, or, at any rate, place himself where he can avoid the cause of the pain. In the same way he who is present at the experience of another's joy, if he is a simple soul in whom jealous sentiments have not made their appearance, cannot fail to share that pleasure, even although he may not know why his fellow is rejoicing. Many acts of devotion and of heroic self-sacrifice are due to a sympathy as instinctive as it is elementary. How many men throw themselves into danger, blindly and without reflection, to help beings whom they do not know, who have never inspired them with affection, simply from the effect of the sympathetic impulse![2]

[1] Lloyd Morgan, *Introduction to Comparative Psychology*, p. 321; *ib.*, *Psychology for Teachers*, p. 234; James, *op. cit.*, ii. pp. 410, 411.—Tr.

[2] Ribot, *op. cit.*, chap. iv.

At this first stage, at least, there are really no altruistic tendencies; there are only disinterested impulses. Whatever La Rochefoucauld[1] and his disciples may say, real disinterestedness exists; but it is sometimes prior to every calculation and reflection, spontaneous, and almost unjustifiable by the light of cool reason. All that education can do is to strengthen it by declaring it in conformity with certain exigencies of practical reason. The development of the intellect tends on the contrary to eliminate it, to replace it by a fundamentally egoistic calculation of the interest that one may have in doing good to others, of the advantages that one may expect for oneself if one shows oneself disinterested.

The love of others does not become a tendency really distinct both from primitive sympathy and the egoism developed by reflection, until the age of puberty, when there is in the organism what we may call an overflow of energy, an excess of vitality. The necessity of self-sacrifice without selfish afterthought is then clear. That is the moment of chivalrous enterprises, of generous dreams, of illusions which are sometimes ridiculous, of hopes which are sometimes chimerical—illusions and hopes which always denote something more than serene self-confidence, and the keenest desire of living the widest and the most complete social life that is possible.[2]

Sexual love is only a means to a higher end—

[1] Il y a quelque chose dans les malheurs de nos meilleurs amis qui ne nous déplait pas.—*Proverb.*—TR.

[2] Cf. Mercier, *Sanity and Insanity*, pp. 208-212; Chamberlain, *The Child: A Study in the Evolution of Man*, pp. 411-415.—TR.

procreation, and the love of children. When the man has reached the stage of gathering a family around him, he no longer lives for himself but for his belongings, and in his devotion at all times to those who are nearest and dearest to him he is going through the apprenticeship to social life with its implied devotion to the collective interest.

Thus the social tendencies have two principles in the individual nature, spontaneous sympathy and love, impulses and needs which are each of a psycho-physiological nature, and can only lead to failure in the case of abnormal or incomplete beings. The development of the social tendencies produces the spirit of family,[1] the spirit of association, the spirit of sect, civic virtues, urbanity, patriotism, humanitarian aspirations, noble political passions, etc.—varied sentiments which play the most important rôle in moral deliberation, and which are most often in opposition to the egoistic tendencies, to the preservation and development of the individual being, tendencies themselves opposed to one another in so far as they are defensive or offensive, conservative or reforming.

The complete development of the social sentiments takes us farther and farther away from selfish individualism.

63. *Generosity.*

To live with one's fellow-creatures, and to get from them as much as one can, and to pay them as little as possible in return, is the aim of the intel-

[1] But *vide* Ribot, *op. cit.* p. 285: "A high development of the social tendencies has only been possible through the suppression of the family tendencies."—TR.

ligent egoist, of the man who has grasped the idea that we can only secure happiness for ourselves in a society by making some sacrifices to the interests of others: such a man carefully calculates what his devotion to the public good, and what the services he renders to his fellow-creatures, will bring him in return, and he does nothing for which he will not receive an equivalent; he is well armed for the fray, but he lacks something that is human—generosity.[1]

Guyau,[2] from a purely naturalistic standpoint, clearly saw that "life has two faces: on the one hand it is nutrition and assimilation, on the other production and fecundity. . . . To spend on others what the social life demands, is not, when all is said and done, an individual loss; it is a *desirable aggrandisement* and even a necessity. The object of life is radiation." Egoism corresponds to nutrition and altruism to reproduction; there is perhaps even more than a correspondence: the need of assimilation dominates the whole sphere of economics; it is this need which induces man to employ himself in every kind of industry, which leads to competition and discord; but the need of reproduction, of child-bearing, of giving, of radiating, comes from the very first to counterbalance the effects of the other natural need; and it is that which has, in the origin of civilisation, been the cause of games and holidays, and from which has arisen art and religion; this it is which gives rise to animal and human sociability.

M. Espinas has shown how "animal societies"

[1] Spencer, *Principles of Psychology*, chap. viii.

[2] *Esquisse d'une morale sans obligation ni sanction.*—Tr.

founded on the instinct of reproduction, on the care to be given in common to the young, may in many respects be compared with human societies. Love, in its origin, is pure disinterestedness, abnegation, joy in spontaneous, natural, irreflective sacrifice. Sexual love is the very antithesis of utilitarian calculation. Paternal or maternal love in animals is even quite the opposite of egoistic prudence. Civilisation has no doubt, side by side with the power of reflection, developed in humanity self-love and the tendency to make of oneself the centre of the universe; but to an ignorant reflection which encourages a foolish pride, we may more and more oppose a scientific reflection which discloses to man his insignificance and makes him conscious of his vanity. What thinker who, realising his lack of influence on the world, his humble origin, whatever is accidental in his success, or illusory in the gratification he experiences in "believing himself to be some one," does not feel himself bound to surrender an unjustified egoism? Does not much knowledge restore to us what a little knowledge takes from us—a proper humility and a greater respect for others? If we do not allow ourselves to be misled by a false conception of our ego, we find generous sentiments spontaneously growing within us, which urge us to help others, to give without the hope of return, and to sacrifice ourselves without the hope of reward. And in proportion as we attain a higher degree of mental development we begin to feel a desire for expenditure, uncalculated action, and disinterested activity.

As Guyau[1] says, "There is in lofty pleasures a

[1] *Op. cit.*

force of expansion ever ready to pierce the envelope of our ego. In their presence we feel we are insufficient to ourselves, and only act in order to transmit them, just as the vibrating atom of the ether gradually transmits the ray of the sidereal light which crosses it, and of which it retains nothing but a transient vibration. It is our whole being that is sociable; life does not recognise the absolute classifications and divisions of the metaphysicians and logicians; our being cannot, even if it desired, be completely egoistic."

64. *Sociability.*[1]

The force of vital expansion is thus the natural foundation of sociability; the modifications of this force constitute the generous sentiments which cause men to become not only "invading but invaded," which prevent them from remaining content with the maximum of assimilation, which induce them to refrain from appropriating for their own benefit the greatest amount of good, and assuring for themselves the greatest number of advantages; as soon as they feel themselves in possession of some joy, some good, or some advantage, they endeavour to communicate it to their fellow-creatures and to share it with them. "We have more tears than we need for our own sufferings, and more joys in reserve than our own happiness justifies."[2] Only depressed, congenitally weak, and impotent beings fall back on themselves; they have no more energy than is needed for their

[1] For Guyau's doctrine of the expansion of life as a principle of ethics, art, and religion, *vide* Fouillée, *La Morale, L'Art, et La Religion d'Après M. Guyau*, and *The Westminster Review*, April 1892, pp. 394 *et seq.*

[2] Guyau, *op. cit.*

own subsistence; they are always suffering from a want of vital energy, and therefore lack sociability. But in all those to whom good health and vigour permit a normal life we see generosity increase and decrease with the exuberance and harmony of the vital processus. The more pleasant life is, the greater is joy, and the greater also is generosity.

The normal man is therefore generous, and *ipso facto* he begins to be a social being. But more is required. Sociability is not only the aptitude to live with one's fellows, and to share in common one's prosperity, advantages, troubles, and joys. It is also an aptitude to submit oneself to a common rule, and to live a regular life according to the prescriptions imposed upon all by all.

Perhaps I have not hitherto insisted sufficiently on this mark of sociability which springs from an essentially rational tendency. There are in society two opposite tendencies, the one to imitation, the other to innovation. If we wish to explain in a satisfactory manner the synergy of individual changes from the point of view of collective modification, we must place above these general appetitions a tendency to impose on others, and to accept from others rules of common and even of individual conduct.

In fact, what are the beings who do not recognise the authority of such rules, who are always in a state of revolt against all authority, and profess to obey themselves alone—*i.e.*, to follow their own caprices? They are the diseased, the unstable, those who have no self-control, who are without the inhibitive force which enables them to co-ordinate their tendencies and to systematise their

different states of consciousness. They are considered unsociable, not simply because they do not submit themselves to the domination of law and rules at present established by the State and the community, but rather, and on juster grounds, because they cannot bear the yoke of any law, of any power, even of their own reason. They give way in the presence of strong restraint, but only for a moment; they imitate, and sometimes very easily, but they imitate in turn irreconcilable models. Therefore, neither compulsion nor imitation can give them sociability; they lack a normal tendency. It goes without saying that this new aspect of sociability, due to legality, although by itself it may have the effect of establishing the greatest uniformity in the sentiments, tendencies, and acts, is not at first blended with the spirit of obedience, but is much more akin to mean servility, of complaisance to the powerful, whoever they may be, which is a sign of weakness, and is the almost exclusive mark of the domestic animal; later, it does not exclude tendencies to innovation, to freedom of mind, and to action relatively original. It forbids eccentricity and unbridled originality, which would prevent men from coming to a common understanding on art, religion, politics, just as on any other way of looking at the facts of existence or of solving practical questions. It is an insuperable obstacle to moral anarchy, but it must not become a cause of routine or social stagnation. It causes in every environment, at every stage of civilisation, a common spirit whose conceptions and artistic tastes, whose fashions and simplest customs, ought to bear its mark; but it must also be reconciled with the first characteristic

we have recognised in sociability: the characteristic of generosity which arises from the tendency to make our fellows share in the pleasure we experience, the good we enjoy, and the state of mind in which we are.

The spirit of obedience to a common law, and of conformity to collective prescriptions may serve as an "antagonistic reducer" to the spirit of innovation which sometimes is the cause of an unlimited generosity. It is only by making the synthesis of the two tendencies that we can attain the conception of that sociability which may henceforth be defined as the aptitude to live in common according to the same rules, but in such a way as to make all share as much as possible in the advantages and the joys which are assured to each by the degree of perfection which each has attained.

65. *Tendency to Social Organisation.*

A still higher degree of sociability may be attained by the superior being who feels within himself enough force, talent, and energy to devote himself to the work of social organisation.

We might take up again, with considerable modification, the Leibnitzian conception of a perfect being, organising the world in such a way that the greatest harmony of the greatest number of elements is the result. It is enough to transpose from the divine to the human this idea of creative activity; to say that each of us, in so far as we are reasonable, aspires to become the organiser *par excellence;* that the aim of moral activity is in truth of the architectonic order; is it not therefore natural to conceive of the obliga-

tion to labour, like so many terrestrial gods, in the building up of a work whose scope is outside our individual sphere, our environment, and our age?

The most intelligent child in the village endeavours to organise the heterogeneous band of his companions; not only does he try, as so many psychological moralists have pointed out, to impose the same rule of games upon all, to submit all to a strict observation of certain principles of conduct, but he forces himself to govern, to distribute the functions and rôles, to co-ordinate, organise, and systematise.[1] Adults do the same. The whole of humanity has ever been in search of an organising power from the earliest moment of its existence as a reasoning species. Governments are not artificial organs, the arbitrary creations of the imagination, "inventions" which might never have been "happened on"; the idea of government, inseparable from that of conduct, rule, or moral law, is one of the fundamental data of practical reason.

The duty of organising human society and of systematising social life was observed before it was known. This duty appears more and more to every reasonable being as incumbent not on this or that member of the social body in particular, but on every member of the sovereign body, that is to say on every citizen.

To sum up, we see superimposed on tendencies to pleasure, happiness, and individual and collective utility, tendencies to intellectual and æsthetic pleasure; and finally sociability, a complex tendency which embraces altruism, the spirit of sacrifice, the spirit of solidarity, of discipline, of obedience

[1] *Vide* Chamberlain, *op. cit.*, chap. ii.

to laws and to generous innovation. All these tendencies, far from being incompatible, form a system in the moral being.

IV.

The Moral Individual.

66. *The Psychological Ideal and Moral Firmness.*

A man cannot be fully moral if he does not realise the psychological ideal in the widest possible measure. But to attain this higher degree, viz., morality, he must begin by having a healthy mind.

Now normal systematisation consists in the stability of certain tendencies which do not prevent the appearance of others, but which give to them as it were the characteristic colouring of the person who manifests them, and which in particular bring it about that the successive appetitions of an individual form a continuous series, the different terms of which are closely linked together, and in some measure summon one another. These tendencies which constitute the essential character of a being can only be very general, and their object very indeterminate. One subject has a more marked tendency than another to remember sounds or colours (auditive or visual types), to associate ideas by contrast or resemblance, to experience violent or joyful emotions, and to act slowly or quickly; but such features of the character, if they sometimes predispose rather to activity than to speculation, to art than to science, none the less may not prevent us from experiencing scientific or artistic pleasure as well as happiness

in certain social, friendly, or family relations. If they cause attention to be attracted to and to be maintained on objects of art rather than on conceptions, or on business, they do not prevent the mind from understanding arguments, from finding pleasure in discussion, in deduction, or in absorption in affairs.

What is of importance to the normal development of the mental functions is, that there shall be no breaches of continuity in the mental activity, breaches due to a juxtaposition of successive tendencies or inclinations without a mutual bond. Now the succession of states of consciousness is by itself, and by itself alone, the source of lively satisfaction, of psychological pleasure, if we may say so, when it is effected without violence or sudden shock, by a sort of interpenetration of the sentiments which takes place in the unoccupied consciousness. Is not this pleasure the index of the normal state *par excellence*, and ought it not to be sought by the moral agent, and in the first place from the point of view of his personal satisfaction, in so far as he is a purely psychic being?

For its production, a certain firmness is required. In fact what usually is harmful to mental continuity is that the mind is given up defenceless to every kind of influence, buffeted in every direction, incapable of introducing order into its representations, of effecting complete syntheses, of following an argument, or of maintaining in predominance certain tendencies; of avoiding the violent emotions and the painful and disturbing sentiments, which are the "emotion-shocks" of which Dr. Janet has so clearly shown the dissolving power.

When the tendencies are closely grouped they oppose every mental disturbance as a permanent obstacle, they give to thought, to sensibility, and to activity, a solid foundation; the individual becomes master of himself and has a strong character.

Nothing is therefore more necessary than firmness of character (and therefore strength of will) for the normal adaptation of the being to its environment.

"Morality is the person itself; therefore we already find traces of it—I mean the elements and the foundation—in a rich strong nature, in what one calls a temperament, a character. On the other hand a mobile nature, impressionable and vivacious, that is attracted by contrary emotions in different directions, a mind without consistence and without foundation, *mens momentanea*, lacks moral aptitudes. It must be absolved from evil, but we must also refuse to it the attribute of good. There is therefore a natural morality, the conformity of tendencies to some restraint, whatever it may be, or simply to their constancy."[1]

While the monomaniac is led to create for himself an imaginary world in which he thinks he lives, and which prevents him from feeling keenly the sufferings involved in his lack of adaptation to his environment, and while the stubborn man is unhappy because he does not know how to vary his circumstances, the man who is gifted with a strong will reacts on external stimuli in an appropriate manner, although his reactions always bear the mark of his character; the course of his states of consciousness loses none of its continuity, although the external circumstances vary, and that, even when they are modified in the

[1] Cf. Dugas, *Revue Philosophique* (1897), t. xliv. p. 398.

most quaint or unexpected fashion. He it is who knows both how to submit to circumstances and how to utilise them for his ends.[1] Not only is he impelled on occasion to direct the course of events, but he lacks nothing of that indispensable art which consists in bowing to the exigencies of the environment; instead of letting himself be disconcerted or frightened by a rude shock, he takes time to bring himself into harmony with himself and with what is external to him.

And so the moral being is not accessible to fear, to anger, or to those violent sentiments which betray weakness of will. He does not experience those exaggerated and sympathetic emotions of which a more or less delirious enthusiasm, and a more or less depressing and morbid pity are composed, and at the same time does not show himself hard to others to the point of cruel and indifferent coldness; he keeps his *sang-froid* in the presence of great pain, he knows how to be severe to those who deserve no indulgence, and for whom love is another name for severity. He knows how to keep himself from the "moral contagion" which causes panics as do great waves of joy or collective grief; far from being impassible like the Stoics of old, he lets himself go in the presence of joy, and he can experience sadness, but always with moderation.

67. *Moderation.*

The Aristotelian theory[2] of the relative mean between two extremes is based upon a very exact

[1] *Res mihi, me rebus, submittere conor* (adapted quotation).

[2] *Ethics*, Book II., chap. ix.; Sidgwick, *History of Ethics*, pp. 58, 59.—TR.

observation of the conditions of normal sensibility. For a sentiment, or for a succession of sentiments, to produce pleasure, the tendencies, which are among the constituent elements of every sentiment, must be strong enough to determine a complex and well-ordinated psychic activity. But it is necessary in addition that they should not be so violent as to render the subject insatiable, devoured by desire for impossible or unrealisable gratifications. They must not destroy or eliminate other perfectly normal tendencies, whose disappearance is not unaccompanied by pain. They must therefore be counterbalanced and moderated by appetitions, or by contrary inclinations which lack neither intensity nor duration. Voluntary attention ought, if need be, to give these inhibitive tendencies of violent passions the intensity and the duration which they lack.

Temperance thus becomes one of the means of realising the normal psychic life. It is difficult at first to be temperate under all circumstances; but self-control, like every other act, may become habitual, and demand after a lapse of time less effort. We see people in whom the appearance of a tendency is immediately followed by an effort made in some way to control themselves, not to yield to an appetition until after examination, and that is one of the effects of a temperance which has become habitual.

And this temperance, which engenders prudence, moderation in opinion, and wise deliberation before action, may always have its inconveniences; not only may it become distrust, cowardice, or a tendency to inertia, if the possible tendencies to eagerness and enthusiasm are too energetically

opposed, but it also may be harmful to those fine impulses of courage, of confidence, of love, etc., which are capable of adding to the dignity of man, and of yielding great pleasure without any admixture of pain. Passion is not always evil, and it has been wrongly defined as perverted inclination. There are noble passions indispensable to the unfolding and to the manifestation of genius and talent, and no less necessary to moral actions of the widest scope. Will it be maintained that intellectual or moral genius is an abnormal thing and akin to madness? No doubt many geniuses and many talented individuals pay for their fertility by a precocious neurosis. No doubt mental over-activity in a particular domain is injurious to mental equilibrium, and may lead to disorder in the psychic system;[1] but there may exist, or at least one can conceive of the existence of, an exceptional fertility of the intellect and the will, which is not abnormal and which does not prevent one from speaking of temperance in genius; for it is precisely at the moment when a tendency takes exceptional scope that the greater need of an "antagonist reducer" is felt, in order that the limits of the normal may be attained without being exceeded, in order that genial eagerness may not become morbid excitement, and a fine passion may not be transformed into an acute mania.

Temperance is therefore a quality of the moral being, whether he be an ordinary or a superior man;

[1] Cf. Grasset, *Conférence sur le Génie et la Névrose*, Montpellier, 1899; Ribot, *op. cit.*, pp. 360-364, 437 (degeneration a necessary condition of high mental originality, "genius a neurosis"); Mercier, *op. cit.*, p. 181; Féré, *The Pathology of the Emotions*, chap. xx.; Chamberlain, *op. cit.*, p. 45; Lombroso, *The Man of Genius*, passim.—Tr.

it is his first guarantee of continuous pleasure and happiness.

But, like all the other qualities which are connected with strength of character, it aims rather at psychological health than at morality properly so called. If the latter has for its necessary conditions the equilibrium of the mind, mental continuity, the cohesion of essential tendencies, we cannot always say that these are the only conditions sufficient for good conduct. Remarkable determination, exceptional constancy, perfect lucidity, and a kind of sanity of the mind may be found in crime and in immorality. But the sanity of the great criminal, whose conduct is quite consistent, is the sanity of an inferior mind. This being is normal if we consider it in isolation, and if we judge it by psychological criteria; but it is no longer so if we consider it from the sociological and moral point of view. In fact, it lacks certain tendencies whose dominion over the mind assures the exact correspondence of the psychic and moral health.

For a man who is exempt from neuropathic troubles and from psycho-pathic disorder to be a moral being, he must have certain habits of thought and action which reveal the constant play upon his will of higher tendencies, of sentiments such as the love of the true and the beautiful, and above all of those aptitudes to life in common to which we have given the name of *sociability*.

68. *Virtue and Truth.*

The moral virtues are the natural consequences of the prominence in the mind of these lofty appetitions,

systematised in such a way that it is difficult to be ruled by any one of them without being at the same time ruled by all the others. The Stoics used to say that virtue is one,[1] and that if we lack one moral quality we lack them all. In spite of the obvious exaggeration of this statement, they were right; for real morality only exists for him who has reached the summit of a hierarchy of tendencies and corresponding habits, which support one another and condition one another, both in their appearance and in their survival of the effort that gave birth to them.

We begin to be virtuous by acquiring, through the proper exercise of the intellect, and through scientific culture, a persistent tendency to search for truth, to avoid error, and to detest falsehood. The cult of the true is a condition of morality. What, in fact, would be the individual in a perfect social system, who should commit error, spread it abroad, act upon it, and urge others to act according to erroneous maxims? If he were honestly self-deceived, he would lack sanity from the psychological point of view, and we should have to cure a misguided mind. But if he lied, and led others into error knowingly, with persistent bad faith, he would constitute a factor of trouble, of disintegration, a morbid element which would have to be eliminated from every community which had for its end moral perfection.

For error and falsehood are hostile to rational systematisation. Truth is one of the ends of social activity, because it brings the thoughts into agreement and leads to the stable communion of minds.

[1] Mackenzie, *op. cit.*, p. 222.—TR.

It is also one of the loftiest of the ends of individual mental activity, because it alone furnishes a solid basis of well co-ordinated action, and of action that leads to success. Without the possession of truth the best intentions are in vain, the will lacks clearness, conception and deliberation are deprived of their normal bases; there is no longer any moral value in the agent, contrary to the opinion of those who have induced themselves to believe that intention is in itself all that is required.

69. *The Cult of the Beautiful.*

We acquire a higher degree of virtue when we unite to the love of the true the development of æsthetic sentiments.

These sentiments, at any rate when they are free from admixture with the emotions and with tendencies of an inferior order, cannot fail to have a happy influence on conduct. The search for the beautiful is not unrelated to the search for the good, and that is why good actions are so often called beautiful actions. No doubt there is in this terminology a possible confusion, because facts of the moral order have a particular beauty which may arouse admiration without thereby responding to an æsthetic taste; but it is none the less true that in many cases it is because they satisfy our desire for order, harmony, and beauty, that acts which have a moral value are declared beautiful.[1]

With the exception of the Stoics and of Kant, moralists have too rarely insisted on the moral effects° produced by the desire of accomplishing

[1] *Vide* above, Section 59.

noble actions corresponding to æsthetic tendencies, and that this desire may lead to felicitous results in human conduct. Sometimes there are acts which displease us, lines of conduct which are repugnant to us, because a certain beauty is absent from them. Moral rectitude is rather like a line in architecture which pleases the eye because it does not demand from it too much effort, and because it enables the eye to embrace considerable diversity; we like to see the development of a series of actions which, being different and tending to different ends, have nevertheless a common characteristic, and in all of which the same deep sentiment is revealed.

Disinterestedness with respect to all the material advantages or ordinary ends of our actions, is often only possible by the aid of the æsthetic interest which certain means or certain ends present to us. We then almost attain complete disinterestedness without however realising it. Besides, to realise it would, no doubt, be pernicious and fatal to action, while to approach so near to it incontestably gives to conduct the seal of an elevation pre-eminently human.

The refinement of æsthetic tendencies, the purity of corresponding pleasures, can only contribute to the refinement of the tendencies which determine our action. To accustom one's self to admit as far as possible what is really beautiful in contemplation and in conduct, and to repel with energy that in which ugliness causes a painful impression, was one of the first principles of Greek morality, of the morality sanctioned by the most ancient, the most free-minded, and the most attractive race of antiquity.

Why should the good necessarily assume an austere

aspect? Why should we seek to deprive it of every attraction, and especially of that æsthetic attraction which only exists for human nature, and is the greater in proportion as one appeals to the most elevated minds? The beautiful no doubt is not always the good. One may not even trouble one's head about the good while admiring the beautiful; but why should not the good be beautiful? The charitable act of a man who lifts up out of the mud another who is in rags, emaciated, wounded, and repulsive—would not this act, if it made part of a series of actions of the same kind, attract our æsthetic sense, struck by the harmony which the different stages of this conduct present to one another, and to the rest of the existence of an honourable man?

What is the characteristic of the beautiful? To give a sensible presentation of an idea by exhibiting it as the unity of the richest diversity of concrete elements—that is the answer of Leibnitz, Kant, and Hegel; and if the answer is incomplete it none the less furnishes one of the principal elements of a complete answer. Now does not conduct manifest by a diversity of concrete elements, by acts, the unity of an idea, of a principle, of an ideal, and ought it not therefore to be always beautiful?

We may add, if we wish, to the response given by great philosophers, the answer of the psychologists and of the sociologists, who see in the beautiful the triumph of man over the obstacles placed in the way of the realisation of its conception,—the expression of social, religious, or political ideas, so far as religion and politics furnish the subject of the commonest thought,—the manifestation of original power that strikes us by the novelty of a synthesis which is bold

and yet not too bold, and which does not displease us,—the wealth and exuberance of life giving birth to amusement, adding luxury to well-being, generosity and expansion to the struggle for existence. Is there not something in all these conceptions of art, held by Spencer, Guyau, Tarde, and so many others, that finds some correspondence in the loftiest moral actions, actions which are the flower of human activity?

And does not this prove that the æsthetic sentiments ought to be cultivated, developed, and carried to their highest degree of power in the being of whom we wish to make a moral agent, in order that his conduct may be, to the highest degree, æsthetic? The sentiment of the beautiful and of the sublime ought not therefore to be wanting to a man who is tending to realise a human ideal.

According to M. Chabot,[1] it is only in the æsthetic conception of the good that the moral subject "may be taken as a whole,—sentiment and reason, imagination and will,—and may devote all the forces of nature to the work of morality." A good action is that which under the dominance of duty is known, felt, and carried out as the most beautiful possible. The good man is an artist who has no right not to be one.

But, as we have seen on many occasions, he is an artist who is working at a social work, at a work of solidarity which requires devotion; and displaying not accidental devotion, but constant sacrifice of himself to others. The virtues of the father, the mother, or the brother in the family, those of the artisan in the workshop or in the factory, those of the citizen in the town or in the State, those of the

[1] *Nature et Moralité*. Alcan, 1897.

individual in humanity, are greater in proportion as the different social functions are more regularly and more disinterestedly performed, with a greater eagerness to be aiding in a moral work, with more success in the incessant struggle against the natural or artificial difficulties which are an obstacle in the path of human progress.

The moral being is thus, in short, the man who endeavours to preserve for himself or to acquire health of mind, to develop all his aptitudes to a wide and fruitful life, to labour on behalf of social order, and of the complete æsthetic and rational organisation of humanity. This being is virtuous, and he deserves happiness.

70. *Joy.*

We ought in fact to give to joy and happiness a place in moral activity. Man cannot give up joy without doing an outrage to his nature, without conflicting with his dearest desires; if he does renounce it he is in most cases urged thereto by fear, either the fear inspired by a master whom one obeys with resignation or with sorrow, or the fear of ultimate suffering out of all proportion to the pleasure actually experienced.

We must therefore discover everything that is likely to procure for us the greatest joy that we can experience. In the hope of obtaining greater happiness, we renounce certain innate or acquired tendencies; but this greater happiness must be definite in order to exercise a greater attraction; it must really be the greatest possible for the normal being, in order that in his search the individual may have

the assurance that nearly all his fellows recognise the practical value of his objective maxims, approve of him, encourage him, and will help him if required, and in case of need and under similar circumstances will act in a similar manner.

Moral action therefore depends on the establishment of a hierarchy of joys in conformity with the tendencies of human nature. But we may experience pleasure in the accomplishment of habitual acts, which primitively have been accomplished under constraint, and then with habit have become the substance of real needs; so that a tendency to perform these acts is gradually formed, and becomes stronger and stronger; so that eventually the subject would experience pain in not being able to satisfy this tendency, and would experience pleasure in satisfying it.

A fortiori, there is a great number of pleasures resulting from the habit which has arisen in time past of accomplishing acts which were agreeable from the outset. The consequence of this habit has been the excessive development of the tendency primitively satisfied, which has very soon checked or prevented the development of more elevated tendencies that might have procured greater pleasures. So that the latter pleasures only being experienced feebly, or not at all, either appear to be of an inferior order, or are incapable of becoming the object of a voluntary choice.

These are the pleasures of which M. Brunschvicg[1] speaks, when he justly observes that "they demand no effort or initiative; it is sufficient for us to abandon ourselves to the agreeable impression which

[1] "L'ordre des joies" in *Morale Sociale*, p. 217.

comes to us from without. Such is the habit of the idle child, which can do nothing but play. . . . It is the imperious need of renewing the acts which were formerly the source of pleasure, and which no longer procure that pleasure, of *avoiding every effort*, of allowing oneself to live in the repetition of easy and uniform acts which are of but little value but which have cost nothing."

We readily see that the animal is in general content with such pleasure; the predominance of its instinctive over its intellectual activity, of automatism over repetition and invention, makes this almost inevitable. It always experiences pleasure in play, perhaps because there is in animal activity something akin to human activity properly so called. In play it tries to vary its pleasures, and it costs it no effort to attain a new type of pleasure. The search for the line of minimum resistance is not very apparent here, to say the least of it; but clearer is its desire of disclosing its power and of expending it in pure waste without seeking the satisfaction of its material needs, except in certain cases, which are frequent enough it is true, in which the play has as its object the gratification of the sexual instinct.

In the same way the child often devotes itself to work that is painful, considering his strength and years, to assure himself of that pleasure which is especially derived from the sentiment of a difficulty overcome. This sentiment has been of great importance in the intellectual and practical evolution of man; so much so that we may see in it, as it were, one of the constituent emotions of the æsthetic pleasure. Besides, are not the pleasure of play and

the æsthetic sentiment closely united, especially in the origin of civilisation, to the first stage of the uninterrupted development of an intellect becoming more and more reasonable, and of an activity becoming more and more reflective, intentional, and voluntary?[1]

71. *Risk and Exercise.*

We must therefore make a detailed study of the pleasure which is produced by pursuit and conflict, a pleasure which gives rise to the love of risk that plays such an important part in Guyau's moral theory. The human pleasure of search contrasts with the animal misoneism; in our curiosity there is more than a desire to know how to respond in an effective manner to our numerous needs; there is the satisfaction of responding to a tendency natural to man, a tendency to incessant progress triumphing over blind resistance. The child likes obstacles, he creates them for himself, so as to have the pleasure of surmounting them. Can we forget this valuable indication of an order of pleasures superior to the restful pleasures which made such an impression on Epicurus?

"Once the fingers are supple," says M. Brunschvicg, "as if they were penetrated by the mechanism of playing, once the difficulties of the craft are overcome, then the pianist is able to set himself free to attend to what affects the mind in playing music, —the intellect and feeling. Instead of narrowing

[1] Chamberlain, *op. cit.*, pp. 10-27; James, *op. cit.*, ii. p. 427; Ribot, *op. cit.*, p. 198 and pp. 329 *et seq.*; Guyau, *Education and Heredity*, p. 164.—Tr.

little by little the circle of activity, habit allows the mind, assured of the docility of the organism, to do its own work and to develop regularly; and the more it understands the more it can understand."

By the side of these intellectual pleasures, which may be renewed and widened in proportion as the sphere of the activity is renewed and widened, are the social pleasures which also widen the field of difficulties to be overcome, the sphere of pleasures that a reasonable being can procure for himself. It is therefore not a restricted, humble, and mean life—that kind of stupor which the Epicureans called apathy—which suits man's nature; it is the widest possible life, the boundaries of which the scientific, æsthetic, and social activity is incessantly moving farther and farther back, surrounding it with moving horizons which we know must become more and more distant, to procure again and again an infinite number of new pleasures and new joys. To the question, What are the inferior and what are the superior joys? we can therefore answer without hesitation:—the inferior joys are those which, ever restricting the field of human activity, create needs from which man cannot free himself to taste other joys. Higher joys are, on the contrary, those which never enslave man, which procure for him ample and fruitful satisfaction, and cause him to live with the utmost possible intensity in the widest and most varied environment. The idea of these joys crowns our conception of the moral ideal from the psychological point of view.

V.

THE DETERMINISM OF IMMORAL ACTIONS.

72. *Crime.*

We can now understand how it so frequently happens that men commit faults or fall into crime. The tendencies to co-ordinate are so numerous, the sentiments which ought to predominate have so little sensible attraction, moral pleasure is so uncommon, and virtue so difficult to realise, that we ought not to be astonished at the moral poverty of humanity.

Let us then enter into detail as to the determining causes of crime or offences: we shall see how errors of conduct are connected with the defects of our physiological, mental, or social nature, and how unnecessary is the intervention of the vicious choice of free will to explain the fundamental or accidental mechanism of man.

The civil law calls every infringement of its prescriptions crime or misdemeanour. Every infringement of the moral law is an offence; but while the civil laws are clearly defined, the moral laws are often indeterminate. We cannot even say that everything that is contrary to the collective consciousness is a fault, for this varying opinion of the multitude, to which those who have a good reputation conform, is not always such as should be respected or even faithfully followed, since it sometimes issues in inconsequences, and owing to its variations what was forbidden yesterday is legalised to-day.

By what mark then is an offence to be recognised, if we cannot always consider as a moral failure what is a breach of the prescriptions of the collective conscience, whether these prescriptions are always formulated in the form of laws, or remain without formula although still authoritative?

Most of the actions which we regard as vicious or defective are only considered as such because they shock customs, prejudices, ideas accepted without criticism, and the sentiments instilled into the multitude by education, tradition, or imitation. In most cases, that which is considered as obligatory takes its necessity from the custom which transforms into rigorous duties transitory and often equivocal rules of conduct. Since the duty is not easy to determine, the fault is also difficult to define. So far, we have always reasoned on the hypothesis of a moral necessity to act according to human nature both psychological and sociological, and to give in consequence a rational continuation to the natural development of our being—granting that it is impossible to adopt a line of conduct which does not take into account the requirements of human nature.

Fault may therefore be defined in a very general manner as every action contrary to our nature and to social evolution. Vice is therefore the habit of realising acts which are related to a conduct to which the psycho-sociological study of man can give no sanction. But these ideas are in both cases still too vague.

Conduct must be systematic. When we speak of a line of conduct, we are as a rule expressing by means of a metaphor the bond which exists

between the different stages of an activity as methodic as the moral activity should be. Given that moral action is a voluntary act, or the habitual reproduction of a voluntary act, and that every act of this nature is only such by reason of the intervention of the character in deliberation and choice, and that it therefore flows from the agent's personality, one and identical with itself, does it not follow that conduct ought to be one and identical with itself, like the ego, whose unity does not prevent complexity, and whose identity does not prevent development? It is the most essential characteristic tendencies which remain identical in the agent, and it is the manifestations of these tendencies which remain identical in the conduct. But it is impossible for contradictory acts to be accomplished at the same moment, and at two different moments the acts accomplished cannot show by their radical opposition that they do not form part of the same future.

Conduct, however, may be, as we have seen, at once systematically and profoundly vicious. The man who persists in pursuing his evil courses presents neither mental instability nor anything abnormal from the psychological point of view. The mark of his bad conduct will therefore no longer be a fault of intrinsic systematisation, but an incurable discord with the state of society in which he lives. No doubt it may happen that a man of the highest moral worth, a Socrates, for example, may find himself out of harmony with the social system of his time; but the discord is but transitory, and it is bound to disappear with the improvement of an environment which at first is unsympathetic, and

then, little by little, places itself in harmony with the conduct of the virtuous man. Even if harmony is not always established, at any rate it can always be established; and the sociologist who knows the determinism of social facts, who can foresee, as far as one ever can foresee, the course of events, may assert that conduct is good when it can be reconciled with one of the possible social systems in the near future or in a future which at the present moment is in the way of realisation.

Conduct is therefore reprehensible, because it is either intrinsically unsystematic, contradictory, or un-co-ordinated, now or in its future, or because it is in contradiction with the psychological and sociological laws of nature and of the future. Because it is such, we may assert with the utmost confidence that it deprives the agent of a lasting happiness, and of that moral joy which, as we have defined it, can never destroy the aptitude for higher joys.

We shall now go into detail, and endeavour to discover the causes of the immorality which is revealed by offences.

73. *Crime and the Criminal.*[1]

Shall we class faults according to their gravity from the legal, from the psychological, or from the sociological point of view? For these three points of view are different. The fault in the eyes of the legislator and the judge is grave or light, according as it more or less chills the social conscience—that is to say, as long as it conceals a

[1] Galton's *Human Faculty*, p. 61.

will in more or less marked opposition to the collective sentiment, tradition, morals, and to the spirit of the law. But the consideration of these sentiments, of these traditions, and of this spirit partakes of an eminently conservative tendency; this is because the care of preserving ancient customs was predominant among the Jews; and at Athens, for instance, they compelled Socrates to drink hemlock and stoned the reformers, although their acts may have hardly been considered serious from the moral point of view.

An offence in the eyes of the sociologist is only serious when, as we have seen, it risks the destruction of the social equilibrium and the continuity of the collective future; in the eyes of the psychologist it is only serious when it is injurious to the mental well-being, the stability of the mental life, and the regularity of the psychic evolution. The moralist, who has the interests of both the psychologist and of the sociologist to bear in mind, cannot make an abstraction of the person, and if he cannot abstain from considering the individual in the social environment, he cannot do otherwise than see the act in the agent, and conceive of the action, on one side with its social effects, and on the other with its psychological and sociological factors.

That is why, instead of classing crimes and misdemeanours according to the gravity attached to them by the law, or even according to the social institutions injured by the delinquent, contemporary criminologists endeavour to make a classification of criminals. Lombroso[1] makes of the criminal an

[1] Havelock Ellis, *op. cit.*, p. 36.—TR.

abstract being, analogous, as Ferri remarks, to Quetelet's "average man." His delinquent is a synthesis of the vices, faults, aptitudes, deformities or anomalies observable in the different types, different enough for us to oppose to the illustrious Italian anthropologist the work of Gall, Frégier, Ferrus, Despine, Maudsley, Morselli, Sergi, and Ferri, among the numerous band who have tried to establish a classification of criminals. Gall distinguished between the impulsive and the instinctive, originally vicious; Frégier, in his reflections on the memoirs of Vidocq, separated the professional from the chance or necessitous thief. E. Ferri recalls the enumeration made by Du Camp (without any scientific basis, let me remark), of the many varieties of the low-class thief and the swell mob. Ferrus classed delinquents according to their intellectual development: 1, those who have moderate intelligence and bad congenital tendencies; 2, those who have ordinary intelligence, but are only addicted to debauchery, vagabondage, and crime from mental inertia and weakness of the moral sense; 3, those who from defective cerebral organisation are unfit for any serious occupation, whether they are perverse, energetic, or intelligent, doing wrong in a systematic manner, or those who are vicious, obtuse, and incapable of resisting evil impulses, or finally, those who are criminal without having any notion of the nature of their acts. Despine drew a distinction between criminals cool, impulsive, morally abnormal, with or even without mental alienation. Huret, who has made a special study of convicts, divides them into three groups: the non-vicious, who have acted under the influence of a violent and

sudden emotion; the rebels, who are masters of the art of crime; and those who are dull and brutalised, and who are sometimes dominated by their more fundamentally vicious companions.

Ferri has endeavoured to show the existence of two great classes of criminals—the criminal born, the incorrigible, in whom crime is a habit, and the occasional delinquents, in whom the anatomical and psycho-pathological characteristics of Lombroso's criminal are more or less absent. In 1880 he proposed five categories connected with the two principal types—the insane; the criminal born; habitual, occasional, and impulsive delinquents.

M. le Bon has also established the existence of two fundamental classes, that of criminals of hereditary disposition (criminal-born, impulsive, of weak character, and intelligent, but deprived of moral sense), and that of criminals in consequence of an acquired lesion of the moral sense (through alcoholism, general paralysis, cerebral lesions, etc.).

M. Laccassagne distinguishes between criminals by sentiment or by instinct, vicious from heredity or acquired habit, occasional or impulsive delinquents, and insane delinquents.

It is useless to multiply the analyses of so many classifications made from so many different points of view, among which those of Maudsley, Garofalo, Sergi, Yvernès, are distinguished by etiological, psychological, or sociological considerations which, taken separately, have an importance of their own.[1]

[1] *Vide* a complete and impartial exposition of these theories in Ferri, *Sociologia criminale* (4th edition, 1900).

74. *Classification and Descriptive Summary.*

From their comparative examination, says E. Ferri, it follows: first, that we must give up the old conception of the criminal of uniform type; second, that the distinction between the occasional criminal who may be cured, and the delinquent by instinct and by hereditary tendency who is incorrigible, is generally accepted, as well as the subdivision into occasional and impulsive delinquents, the criminal-born and the insane criminal.

It therefore seems that the classification which is based on the etiology of misdemeanour and crime should serve as a basis for the description of the essential characters of each criminal type, whether those characters are psychological or sociological.

The criminal born is presented as savage, brutal, and knavish, incapable of distinguishing theft or crime from any kind of honest activity; he is a delinquent, according to Frégier,[1] just as others are good workers, dreading pain more than he is affected by it when it is inflicted, for he considers a prison as an asylum where his subsistence is assured in idleness. He is always an impenitent recidivist.

The habitual criminal is a weak character, who has often experienced a morbid impulse, and has been encouraged to the repetition of crime, sometimes by the impunity that is assured to acts but slightly criminal, and sometimes owing to bad company. Imprisonment, life in common with beings without morality, has been fatal to his moral sense, and has perverted or completely destroyed it. Imprisonment in a cell has stupefied him, alcoholism has brutalised

[1] *Les classes dangereuses*, p. 175, Brussels, 1840.

him, and the fact that society will have none of him from the time of his first lapses, has thrown him into idleness and exposed him to every kind of temptation.[1] His characteristics are precocity and a tendency to the repetition of crime. This type is that of many young fellows, morally abandoned by their families or brought up in the midst of vice, and it is men like him, as the numbers of this class increase, who make juvenile criminality more and more a subject of anxiety.

75. *The Criminal by Accident.*[2]

The criminal by accident and the criminal by impulse are distinct from the criminal-born and from the delinquent in whom crime has become habitual from a kind of impotence to resist certain impulses, the psycho-pathological nature of which is evident.

The former experience no repugnance in doing wrong; the latter do it sometimes in spite of their repugnance, or at any rate in spite of their habitual tendency to abstain from offensive and criminal actions. They usually present, under most circumstances in their lives, the character of normal beings of variable intelligence. However, when we examine them closely, we quickly discover in them a weak will, a mental instability, sometimes generalised and sometimes purely intellectual or emotional; and it is precisely this lack of strength of character which is the cause of their not resisting the "psychological storm," as Ferri calls the disorder of mind caused by a strong passion, by sudden impulse due to instinctive

[1] E. Ferri, *op. cit.*, p. 228.

[2] Lombroso, *The Female Offender*, chap. xiii.—TR.

sympathy, to imitation or to moral contagion, or finally to the generally subconscious obsession which slowly brings on the inevitable crisis in which sometimes both the honour and the morality of an individual are wrecked. The impulsive are sometimes recognised by their continual exaltation, their irritability, and their promptitude to re-act violently even under slight stimuli; and at other times again they are merely extravagant in their sentiments, manners, language, re-actions, and tendencies on some single point. They are shrewd as far as all other questions are concerned; they show lack of judgment, lack of tact, and lack of restraint, whenever the object of their passion is the cause of it; they are ready to burst into a fury if we "touch the tender spot."

The impulsive and the accidental delinquent may frequently fall into the repetition of crime, contrary to the opinion of certain criminologists, who are particularly anxious to place the two principal classes of criminals in contrast with respect to this point. Now nothing guarantees them against the involuntary return to fresh offences, but after each lapse they again show repentance, a sincere regret for the evil action of which their weakness is the cause, and which they voluntarily attribute to fate, to a force greater than themselves, so conscious are they of not having acted in accordance with the fundamental tendencies of their being. There is therefore every reason to distinguish them clearly from the brutes whose moral sense has been obliterated by heredity or bad habit. But should not both of these classes be brought into closer relation to the case of the insane criminal?

76. *Insane Criminals.*[1]

Do not these form a very complex class, from which might be established numerous subdivisions corresponding to every possible type of immorality? Should we not find in this class the analogue not only of the born criminal, of the criminal by habit, of the impulsive and of the accidental delinquent, but also of every being who has vices less odious than those of the criminal, or who simply and accidentally commits faults and immoral actions? Are not all the facts of immorality cases of more or less attenuated "moral insanity"?

By the words "moral insanity" we generally understand a particular kind of mental infirmity, which especially consists in a defect or a disturbance of the moral sense, without the intellectual functions being necessarily affected; that is why Prichard[2] called it moral insanity with much more accuracy than Verga, who called it reasoning mania. For it is not so much a question of the preservation of the power of reasoning, which in certain cases may be weakened, as of the weakness of the power of acting in a rational, systematic manner. Certain Anglo-American alienists have preferred to the names of moral insanity, moral imbecility, or reasoning mania, that of affective insanity, the term which is used by Savage and Hughes.[3]

[1] Despine, *Psychologie Naturelle*, ii. pp. 169 *et seq.*; Maudsley, *Pathology of Mind*; Art. "Criminal Anthropology," by H. Ellis, *Dictionary of Psychological Medicine*; Guyau, *Éducation et Hérédité*, p. 94; Lombroso, *The Female Offender*, chaps. xvii., xviii.; Maudsley, *Body and Mind*, pp. 62 *et seq.*—Tr.

[2] Cf. Ribot, *op. cit.*, pp. 300, 301.—Tr.

[3] Maudsley, *Responsibility in Mental Disease*, chap. v., Part I.—Tr.

As a matter of fact, moral madness seems to be nothing but a morbid condition corresponding to the numerous relations of conduct with the varied forms of mental alienation. There are no doubt especially interesting cases in which with a remarkable activity of the intellectual functions by a curious anomaly is combined exceptionally vicious conduct; but how can we establish a distinction between these cases and those in which we see progressively an ineptitude to moral life, associating itself with lower and lower degrees of intellectual life? Is there not a continuous series of which pure moral imbecility is the last term while ordinary imbecility or idiocy is the first term? Can we state an essential difference between the immorality of the idiot and that of the "moral madman"?

77. *Immorality of the Imbecile.*[1]

To the brutality, the knavery, and the idleness of the born criminal correspond the tendencies of certain imbeciles who are, as M. Sollier[2] points out, wicked, idle, misguided, anti-social beings, and, as M. Legrain[3] puts it, sly and vicious creatures, impelled by a kind of destructive instinct (although certain of them may be gentle, kind, and benevolent).[4] Now ought we not to consider idiocy and imbecility as the inferior degrees of that degeneration

[1] Guyau, *Éducation et Hérédité*, p. 94; Maudsley, *Body and Mind*, pp. 65 *et seq.*, and *Responsibility in Mental Disease*, pp. 179 *et seq.*—Tr.

[2] *Psychologie de l'Idiot et de l'Imbécile.* Alcan, 1891.

[3] *Du Délire chez les Dégénérés.*

[4] D. François . . . imbecile aged forty, watches with the greatest care over his idiot brother and sister; he lavishes on them the most assiduous attention, and shows exemplary kindness to everybody. (Observation taken in the asylum, Alençon.)

which causes certain insane people to have a moral future analogous to the abnormal development of the hardened criminal, persisting in immorality in spite of even the most severe pain? Between the imbecile and the "moral madman" there is only a difference of degree, no difference in nature. The former is degenerate, because the check to his development that he has undergone has deprived him of certain intellectual faculties, and at the same time of higher affections and of every normal moral sentiment. The latter is a degenerate in whom the check of development has only affected a smaller number of mental functions, so that higher modes of the intelligence have appeared, but the corresponding modes of sensibility and activity have been unable to effect their normal evolution. M. Magnan considers the imbecile as "an idiot, in whom certain centres of the anterior cerebral region have been left unaffected," and who is therefore "capable of ideo-motor determinations," capable of "penetrating into the domain of intellectual control," and of raising himself sometimes so far as to possess curious aptitudes, until he becomes what has been called a "partial genius."[1]

If he only lacks moral aptitudes he no longer presents the characters of ordinary imbecility. There is nothing in him now but "moral imbecility." Need his immorality be explained otherwise than in those cases in which the degree of intelligence is much less?

78. *Intelligent Degenerates.*

The intelligent degenerate, like the habitual criminal, is precocious in vice; he does wrong for

[1] Magnan, *Leçons cliniques sur les Maladies mentales.* Alcan, 1897.

wrong's sake with a kind of morbid enjoyment. He is proud of his increasing perversity, and he does not hide his immorality under a bushel. Prompt to imitate bad actions, he contracts from an early age vicious habits, which will be so many centres of attraction for further depraved habits.

B. R.[1] is eighteen years of age: he belongs to an unbalanced family; his father is alcoholic, his mother is a prostitute; his eldest brother, at present a deserter, has been sent to a disciplinary regiment; another brother is confined in a house of correction. From the age of nine he tried to rival his mother's immorality. From this resulted a morbid tendency to the satisfaction of the sexual instinct, which impelled this youth at the age of thirteen to various brutal assaults upon women and girls. At present B. R. . . . has no pleasure left to him except that which he experiences in relating his deeds of sexual perversity; he shows no remorse, he has no consciousness of the repulsion that is inspired by his assaults, and by the whole of his evil past. On the 28th May 1900, he succeeds in making his escape for several hours, and commits new crimes. On the 22nd April he walks in front of a group of women and girls whose attention he wishes to attract. He does not succeed, and ascertains with disgust that a megalo-maniac has much more chance of attracting the attention of this group of women. He then proceeds to shout, gesticulate, jump, and dance about on the ground; then being seized as it were with a fit

[1] The observations on this case of moral insanity are due to the kindness of Dr. Tourniac, Medical Superintendent of the asylum at Auxerre, who has been good enough to allow me to share in his researches on mental alienation.

of fury, he strikes his keepers, breaks the panels of the doors, and then calms down suddenly when he finds out that at last they have noticed him. Several times, and here again simply to attract attention, he pretended to commit suicide, and at last one day, the victim of his own antics, he really hanged himself.

This, then, is the case of a degenerate in whom the sexual instinct, combined with vanity, played the principal rôle. He experienced neither affection, nor modesty, nor restraint, nor religious feeling, nor the æsthetic sense. He was a knave, a hypocrite, revengeful, incapable of feeling regret or remorse, insensible to reproaches, to contempt, or to affectionate words. He was for a considerable period in a house of correction, and his fundamental worthlessness was increased by his contact with numerous little good-for-nothings, to whom he admiringly related his prowess. He especially frequented the society of adults, so that he might learn from them as much wickedness as possible. Now this is a monster from the moral point of view, but a monster with an intellectual side. Why is he so profoundly vicious, if not because his physical and mental constitution, his cerebral capacity, have not allowed the development of those affectionate, æsthetic, and social sentiments, without which, as we have seen, morality cannot exist? If he may serve as an example of the delinquent from vicious habit, do we not see that criminals of this type may, at any rate for the most part, be fairly compared to the insane, whether criminals or not, whom congenital or acquired degeneration has shut up in our asylums?

79. *The Unbalanced.*

There is among the criminals of whom we speak a considerable number of people who show signs of elevated sentiments, and in whom it would seem there is no defect in that mental development which permits us to judge sanely and to feel keenly the immorality of criminal actions. These are comparable to other insane cases of which Fr. . . . may furnish a type.

Fr. . . . is the eldest of a family of eight children, which does not contain any other disequilibrated member, but of which two or three are of doubtful morality. He is a well-educated man who has received an excellent secondary education, and who thoroughly understands the arguments one opposes to his own, and who can engage in discussion with considerable sagacity, but who obviously uses his intellectual aptitudes to justify the acts he commits after they have been committed. He abused the confidence of a post-office employé to make him hand over letters addressed to two of his brothers with whom he had had some disagreement. He wrote threatening letters to people, who were not much troubled thereby, and who thought, not without reason perhaps, that they were attempts at blackmail. He attracted to himself the attention of the public by foolish or criminal acts with the object of embarrassing his family because they had refused him money. Fr. . . . is therefore, from the practical point of view, an anti-social being, a delinquent who would probably not refrain from crime if he had the opportunity. On several occasions he has threatened cruel vengeance to his keepers if he should ever get

out of the asylum. He is revengeful and spiteful; in fact, all his acts belie his words; but as he has considerable intelligence, he explains all his antics in the most astonishing way; he knows how to present them in the most favourable light, and if he cannot justify them completely, at any rate he diminishes their importance in such a way that he thinks he is entirely free from blame, and therefore experiences no remorse. Now, if we look into this closely, we see that the sentiments he expounds so brilliantly, and with which one would almost think he was saturated, are only skin deep. He is never really moved, either by suffering or by the happiness of others; he is incapable of a generous action or of a disinterested movement. He has an abstract conception of the sentiments of which he speaks, but he no longer experiences them. Is not this a remarkable case of the failure of the affective part of a being, much anterior to the intellectual failure which no doubt will later ensue?

And may not this observation serve to explain how criminals without any apparent mental anomaly are scarcely more able than imbeciles, or inferior degenerates, to re-act against their gross appetites and their increasing tendencies to vicious and immoral activity?

80. *The Criminal by Passion.*[1]

We now pass on to a class intermediary between that of criminals from inveterate, vicious habit, and

[1] Havelock Ellis, *The Criminal*, p. 2; Hoffbauer, *Méd. Lég. relative aux aliénés*, 1837, pp. 259-270; Féré, *Pathology of Emotions*, p. 506; Ribot, *op. cit.*, p. 301; Lombroso, *The Female Offender*, chap. xv.; Maudsley, *Responsibility in Mental Disease*, chap. v.—TR.

that of occasional criminals, that of the criminal by passion, whether obsessed or not. We can scarcely refuse to recognise the relationship of these young evil-doers, of these beings who are so often dangerous, and who suddenly and unexpectedly commit the greatest crimes, to certain cases of insanity, of which the girl Pl. . . . will exhibit to us both the character and the mode of action.

Pl. . . . is a girl of fifteen, who on the 20th of July 1899 voluntarily set fire to a rick of hay,[1] and who on the 18th August in the same year tried to suffocate the child of her master, aged thirteen months. She did not confess these crimes until the 26th August, having done all she could until then to escape suspicion. Since then it seems she has experienced no remorse, has shown no regret, and when questioned on the subject of her acts, she speaks of them with astounding placidity; at most she is annoyed because she is questioned so often. She has stated to the magistrate that she was not at all affected when she committed the second crime, and witnesses affirm that she showed no emotion when she was told of its discovery.

Now what is most surprising is that she had never shown the least sentiment of hostility to her masters, and that she admitted she had always been well treated by them. She asserts that she did nothing from anger or from a spirit of vengeance,

[1] Pyromania is sometimes found unassociated with other forms of mental disorder. But it is also found in association with thievish impulses, suicidal tendencies, religious mania, and with disorders of the sexual functions.—*Vide* Maudsley, *Responsibility in Mental Disease*, pp. 81, 161, 163; Ribot, *op. cit.*, p. 225; Morselli, *Suicide*, pp. 123, 151.—TR.

and it really seems that never having been reproached, never having suffered the slightest annoyance in the house, she could not have been urged to these crimes through any malicious feeling.

But if she felt no hatred, and if she did not act under the influence of anger, at any rate she was not restrained by any feeling of affection, for she shows herself quite incapable of experiencing such a feeling. She does not like animals. She experiences none of the pleasures of children of her own age, or even of younger children. She declares that she has never strangled birds or drowned cats; but if it were done in her presence she would be indifferent, and to everything she shows the same indifference. She did not want to go to a concert: "it would not be unpleasant, but at the same time would not please her." She would not put herself out either to see a beautiful picture or to hear beautiful singing.

This absence of interest in most of the objects which attract the attention of the normal child has turned Pl. . . . into a naughty school-girl, learning nothing and remembering nothing of the lessons she received. She knows perfectly well, however, that certain actions are dishonest or criminal; she understands that there are crimes which are repugnant to the conscience of most people. A proof of this is, that she does not ignore the misconduct of her mother; that she knows quite well why her father left his family and went to live away; and yet she refuses to give the least explanation on this point. It is not that she disapproved personally of her mother's acts, but rather, that she learned by experience and since her childhood that it was not a thing which ought to be talked about; and in the same

way she does not wish to speak of her own crimes: she pretends to remember nothing at all, not even the name of her late master.[1]

The indifference in matters of morality which seems to us well established in the present case, has permitted the sudden rise and development of impulses. Pl. . . . has many times confessed that she had no idea of suffocating the child when crossing the threshold of the court, through which she had to pass from the stable (where she had been quietly milking with her mistress and another servant), in order to reach the dwelling, where she was going to a small cistern. She went into the room where her little victim was sleeping and placed the infant between two feather-beds; she removed a pane of glass which was almost out of the window, carefully opened the window, and left it open to encourage the idea of the criminal being a miscreant from without, an enemy of the house. During the course of the day she went to the cellar and upset the butter and the milk further to confirm the notion (and in this she was quite successful) that the act was that of a stranger. The impulse was not therefore followed by forgetfulness; it did not form part of a moment in which the consciousness was less clear, in which the personality underwent a transitory change, or in which was produced, as it were, a fugitive mental alienation. The impulse is easily integrated while it lasted, and although it seems inexplicable when we take all the antecedents into account, it explains a whole series of consequences: the new crime, and the period of long dissimulation, which does not, however, seem to cause distress to the

[1] Cf. Havelock Ellis, *op. cit.*, pp. 7, 211.—TR.

young criminal, in spite of the suspicions which were entertained by the servant, who alone was wiser in this respect than the other people in the house. The incendiary and homicidal impulses have on all points the same characteristics. There is no hysteriform character, no somnambulism, nothing but mental instability and a fairly complete absence of the social sentiments; the causes of the crime are therefore deficient rather than efficient.

And so it is with the faults committed by most degenerates; such as, for instance, the impulsive who strike their relations or the friends of the house rather than strangers or enemies. From the moral point of view they are little better than the weak-minded, the imbeciles, or idiots, who have no systematic conduct, who are more or less incapable of co-ordinating their desires or actions; who have undergone an arrested development, not only in their intellectual faculties, but in their sentiments, tendencies, and aptitude to experience emotions; who, in short, would be led to automatic and instinctive rather than to intelligent and reflective activity, but who have unfortunately neither the fixed and powerful instincts of the animal, nor the still tenacious habits of the insane, nor of those men of the world who are really automata as far as politeness and good manners are concerned.

According to M. Dallemagne, "given that every individual act of the normal life, and therefore every social manifestation, affects directly or indirectly the three great functions, the nutritive, the genetic, and the intellectual," crime is due to the unsatiated or incompletely satiated needs which refer to these great functions. "The unsatisfied functions create

in their respective centres a tension which objectively renders the consecutive discharge more violent and more spontaneous, and subjectively gives rise to the whole gamut of sensations, which range from the simple feeling of indefinable uneasiness to the pain which overclouds and obscures the consciousness." This, in many cases, is the explanation even of morbid impulses; but in crime there is something else besides impulses, something more than the automatism of different centres; there is a functional incapacity of certain centres, the temporary or definitive inhibition of certain functions, and the non-co-ordination of certain others—in short, mental instability, with the resultant clouding over or progressive disappearance of the representations, tendencies, and sentiments which are indispensable to mental and moral equilibrium. Hence there is no reasoning issuing in moral conclusions: there is no longer any room except by accident for subtle calculations determined by an affection or an inclination of an inferior order.

The misdemeanours of a vagabond life form the simplest type of the immoral effects of pathological instability. There is no family sentiment, no love of work, respect for the law, for authority, for human dignity; no social, æsthetic, and religious tendencies —if ever these different affective methods have existed in the mind of the vagabond; there is nothing but a morbid love of change of residence, and of living on the proceeds of chance.

How many bad habits and tendencies then spring into being, which are with difficulty restrained! for they meet with no obstacle of a moral nature, because such obstacles either have not been formed, or, if

formed, have disappeared. Thus the danger that society runs from these vagabonds is considerable, although, taken individually, these poor wretches are rather amorphic than wicked.

81. *The Obsessed.*

If we now leave these degenerates, if we pass on from moral imbecility, characterised as we have seen by weakness of the *affective factors* of the moral determination, we still find the impulsive and the obsessed, but of a new type—namely, those who resist for a greater time their morbid tendencies, who see their immoral or absurd character, but who experience no relief until they have yielded to them. Are not many criminal or immoral actions the result of obsessions? We are the less able to deny this because the latter are for the most part subconscious, and are concealed from the eyes of the psychologist by the impulsive movement, censured as soon as it takes place, but inevitable. When they become conscious they are already too strong to be effectively met.

X. . . . is prosecuted for indecent assault. His "exhibitionist" mania takes place at almost regular periods and under well-determined circumstances; he has, as it were, gusts of anger, and passes through a kind of crisis which is excessively painful; he loses his self-control, and gives free play to manifestations which cause him no gratification but the sense of relief from his obsession.

Sometimes the struggle against the obsession lasts for months; sometimes for a few days, hours, or minutes. Some people experience an irresistible

impulse to insult their relations, to strike their best friend, to throw their glass or their napkin at the face of their host, or to break some trifling object. Beings such as these occupy an intermediary zone between moral sanity and affective madness.[1] To give a satisfactory explanation of their conduct we must evidently connect it with that of the "fixed ideas," which are so numerous in hysteria, neurasthenia, and all those forms of the insanity of the degenerates who used to be called monomaniacs.

It seems that the "fixed idea" arises from the pathology of attention.[2] In normal attention, an idea, a sentiment, or an image is maintained for a longer or shorter period in the clearness of conscious apperception; during this period it inhibits every mental process which would challenge its supremacy; by its duration it assures its own distinctness, and it only disappears when the representation which it has announced or prepared has arrived, and into which it is converted, as it were, by a blending of the successive moments of the conscious life.

For this to be so, all that is required is that a very strong tendency shall dominate the mental future; for the successive representations to be as rich as the normal adaptations of a being to its environment demand, the dominating tendencies of the mind

[1] Cf. Cullère, *Les Frontières de la Folie.* Paris, 1888.

[2] I can only give in these pages a summary of the results I have stated at length in my volume on Mental Instability (Alcan, 1899). See, in particular, pp. 206 *et seq.*, on Morbid Stability.

On the "insistent" idea, *vide* James, *op. cit.*, ii. 549; Ribot, *op. cit.*, p. 226; Guyau, *Éducation et Hérédité*, pp. 44, 56; Janet, *L'Automatisme Psychologique*, pp. 428 *et seq.*, where will be found many bibliographical references; also *vide* his *Névroses*, etc., below.—TR.

must be fruitful, and form a solid body of appetitions, numerous and in harmony with the different conditions of a suitable existence. But if these tendencies no longer form a harmonious whole, if they are, for instance, dissociated by those "emotion-shocks," of which MM. Janet and Raymond have shown the sinister power, there is no longer any place for normal attention.

It then happens that the unco-ordinated tendencies dominate in turn the conscious future, and other tendencies blindly endeavour to replace them, and persist in the subconscious domain, while the first promptly disappear without having had any lasting action.

Among the tendencies which remain in the mind and increase in power, we must place in the first rank those which have their basis in the organic sensations, such as, for example, the sexual instinct, which also gives an explanation of the frequency of the obsessions and impulses connected with this predominant appetite in animal life.

Let a favourable occasion present itself, and immediately the subconscious tendency, however subordinate it may have been, becomes sovereign and determines the irresistible impulse. If it meets some obstacle, the subject becomes more and more conscious of it, and while it thus has a kind of demi-apperception, the obsession lasts and a painful struggle ensues. If the obstacle is very great the tendency to struggle is forgotten, although it is ready to reappear. That is why obsessions are so varied both in their period and in their psychological effect.

M. P. Janet admits that the morbid stability to which the fixed idea is reduced is certainly the

consequence of the disappearance of the normal attention. He always gives the name of mental disaggregation to this psychological discontinuity, which, as he himself agrees, favours and permits impulses and obsessions. This I have preferred to call mental instability; the name, however, matters but little.[1] In the same way, it is to mental instability and to the discontinuity of our psychological life consequent on the downfall of our normal tendencies, that the misdemeanours and crimes to which our impulsives and occasional delinquents are attracted are due. Desire only becomes passion, and only acquires excessive and afterwards tyrannical power, by the inconstancy of the appetitions and repulsions which normally serve as "antagonistic reducers."[2]

82. *Exaggeration of Good Sentiments.*

There are degenerates who become misdemeanants by the morbid exaggeration of sentiments which are praiseworthy enough, no doubt, but which encourage in them an excessive susceptibility. Such is the case of B.E., a young fellow of thirty-two years of age, who has twice been condemned to ten years' imprisonment, and was confined on the last occasion in the criminal asylum of Gaillon, from which he emerged with the reputation of being violent and dangerous. At present he shows great sensibility, a keen desire to lead an honest life, and a real aptitude for the experience of the most delicate emotions; he would seem to be inspired with lofty sentiments. He also

[1] Cf. Pierre Janet, *Névroses et Idées fixes*, pp. 34, 53, 68, 217, 218.
[2] Cf. *Instabilité mentale*, p. 216.

shows intelligence and good will, and an inclination to the good, to generosity, to sociability, and to affection. One is astonished to hear a criminal who has been punished so severely eagerly expressing the desires of the most perfectly honourable man; and one asks oneself how he could have been the accomplice in the first place of a theft, in the second of a brutal assault, and finally of acts of violence due to suspicion of the administration of the penitentiary and of the alienists who were attending him.

But one quickly finds out that he is extremely susceptible. The slightest thing depresses him. One feels that he is not made for an existence such as ours, in which there are so many disappointments, so much distrust, and in which so much injustice ought to be quickly and rapidly forgotten. He hates society, which has made of him a thing degraded for ever both in his own eyes and in the eyes of others. At eighteen years of age he was convicted as a vagabond and sentenced to a week's imprisonment. Ever since then, he says, he has done no good. He was ashamed to present himself anywhere to ask for work, and he became the prey of a few scoundrels who made him their accomplice.

When overcome by excitement, he cannot regain his self-control; he is aboulic, he cannot resist; and he is violent because he is aboulic, and because the reactions of anger find in him no "antagonistic reducer." Thus he ended by being placed under the ban of society.

In his case the occasional and the impulsive criminal are united. Now the facility with which the moral vertigo takes possession of him is really remarkable; a word of encouragement or of praise

makes him capable of extreme devotion, and in certain cases makes of him a fanatic. But any sign of disapprobation depresses him, and then for the merest trifle, for a joke or some foolery of his companions or his keepers, he loses his head and strikes or breaks with a violence of which one could hardly believe him capable. At the slightest contradiction, or at the least sign of satisfaction with him, he is beside himself with gloom or delight. He is very "suggestible," and the reading of books — almost children's books—such as the works of Jules Verne, made him delirious while he was staying at Gaillon. He thought he had written them, and he vaguely imagined a phantom ship which was destined to assure victory to the French fleet because of the terror it would inspire in the navy of the enemy.

83. *Moral Vertigo.*[1]

We see that such an aptitude to vividly experience the most different impressions, and to give way to every kind of suggestion, would make of the best-intentioned beings misdemeanants and criminals; and then in poverty, for example, the opportunity presents itself to them to secure some temporary comfort, and the idea of theft and murder fascinates them. They forget everything else, they no longer experience honourable sentiments, they no longer reflect. It is like a transient mental alienation. On the other hand, their excessive emotional tendencies predispose them to fear, anger, exaggerated love, and

[1] Havelock Ellis, *op. cit.*, pp. 17, 91, 211, 229; Maudsley, *Responsibility in Mental Disease*, pp. 59, 64, 132, 170-182; Lombroso, *The Female Offender*, p. 310.—TR.

all the violent sentiments of sudden explosions of passion.

"We are led," says M. Renouvier, "to mark the common character both of the cases in which the personality is, as it were, annihilated, its functions ceasing to be reflective and voluntary on all points at once, and of those (which, however, we must consider habitual) in which vertigo has taken place on some points on which the judgment should exact ripe reflection and well-informed will, thanks to the appeal of motives of every kind. But even when on the watch, and in full possession of reason, who has not experienced exciting temptations of one kind or another, temptations which will more and more tend to lead into the abyss a man whose conscience would not be thereby affected?"

It is, in fact, the want of restraint and of personal control over his own states of consciousness which characterises the degenerate and explains his acts. An analogous moral vertigo may seize men who are healthy in mind in certain particular cases in which there is over-fatigue of the brain. In the same way it is the excuse for grave or slight misdemeanours; it furnishes an explanation of suicide, which, unfortunately, is of too frequent occurrence, and which popular feeling, often apart from all religious belief, considers as analogous to crime or madness, to such a degree that the children of a suicide are repeatedly classed among those who are subject to neuropathic taint.

It is not generally anger or trouble which causes the vertigo, as we have said before; it is intellectual fatigue, excessive emotion, and the struggle against passions that are too active. The sexual instinct,

unsatisfied or held within bounds for too long a period, inspires in some young men an unreasoning depression, which suddenly comes on and as suddenly disappears; and although this is distinct from melancholia, it is often fatal in its effect. According to Laupt, the desire for death comes on by crises in the middle of a happy life. It arises after a sensation of complete despair and complete abandonment of every moral energy, coming on almost instantaneously and prostrating the subject. The impulse of suicide is therefore certainly a case of moral vertigo. And who has not felt in the course of his existence that profound discouragement and that failure of physiological and mental energy which make us feel for a moment that life is no longer worth living? In fact, which of us can be sure that he will never become either mad or a criminal?

84. *The Criminal Type.*

To this assimilation of people who are ordinarily healthy minded to criminals or lunatics, an objection may be raised, drawn from the theory according to which all criminals present the distinctive stigmata of degenerates.[1]

Lombroso has, in fact, insisted on the physiological stigmata of the criminal-born. There would be in that case an anatomical type which all beings predisposed or even devoted to crime would reproduce with more or less accuracy; but the presence of these stigmata in all criminal degenerates has been denied.

[1] Havelock Ellis, *op. cit.*, pp. 40, 63, 72, 88, 102, 112; Lombroso, *The Female Offender*, passim. TR.

"We can prove," say M. Legrain[1] and M. Magnan, among others, "that crime can take place without physical stigmata; that individuals who bear the most significant and monstrous physical features may have no vicious tendency whatever. . . . The type of the criminal-born has been scientifically attacked by MM. Houzé and Warnots, of the University of Brussels. The anatomical type of the criminal-born is a hybrid product formed by the junction of characteristics drawn from different sources. It is an artificial type which must be rejected. . . . M. Struelens has only found the stigmata which are the marks of crime in some three per cent. of some 5000 individuals examined. . . . M. Manouvrier has given to the physical stigmata of criminals their real value. He has shown the difference which exists between a sociological matter such as crime and a physiological matter directly connected with anatomy and deducible from that science." It can never be denied that crime has sometimes psychological conditions closely connected with physiological phenomena, which may have well-defined relations with anatomical peculiarities. Having admitted that much in favour of Lombroso's thesis, it only remains to point out the multitude of cases in which psychic troubles are not accompanied by sensible physiological disturbances, and *a fortiori* by anatomical modifications. Degeneration has an infinite number of degrees in which very clear stigmata do not appear at all. On the other hand, all degenerates are not criminals.

We should lay ourselves open to the charge of

[1] "L'Anthropologie criminelle au Congrès de Bruxelles en 1892," *Rev. Sc.*, p. 14.

making a great blunder, were we to affirm a predisposition to crime, or to breach of the law, or to vagabondage, or to suicide, in people of exactly the same stigmata as those of the greatest criminals, people, moreover, who, during the whole course of their existence, have not committed a single criminal act.

The criminal type is therefore not only, as we have said above, an entity but a fiction. We simply find a type of degenerates who are more particularly to be found in the criminal ranks. There is no special class of misdemeanant, clearly separated from the majority of human beings who ordinarily abstain from breach of the law. Any man may become temporarily a criminal just as he may become temporarily insane. All that is necessary is that mental vertigo and morbid instability should be added to the influence of what we may call the social causes of crime or madness.

85. *Immoral Effects of Solidarity.*

Human solidarity may be, as we have seen, a valuable auxiliary to practical reason, but it may also be a serious obstacle to virtue. There is a solidarity of criminals as well as a solidarity of honourable men. If we belong to a perverted society whose perverse tendencies are accentuated day by day by the dissolution and the downfall of every institution which once was the source of its grandeur and its power, we can no longer conceive of lofty aims, or experience tendencies as varied and as strong, as if we still belonged to progressive society. We would have to be superhuman to

struggle successfully against the perversity around us. The best man ought to be resigned to act only in the best possible manner under given circumstances, without aiming at an absolutely good action. As for the man whose character is weak, whose will is feeble, and whose intellect and sensibility have not been normally developed, he very rapidly becomes a victim to the surrounding perversity.

Lombroso has remarked that, as a rule, the criminal hates solitude and cannot live without companions. The need of entering into relations with individuals who can guide him, direct him, and dominate him, constitutes, as Janet has remarked, one of the features of the character of the hysterical and weak-minded subject. Feeble intellects are therefore more exposed than normal intellects to the pernicious influence of certain companions, or of certain sects, or of the crowd, or of morally degraded collectivities. They say that in Brazil among the half-breeds, who, as a rule, show a very marked characteristic of hereditary ferocity, and in whom barbarism seems to increase as the effect of a kind of social disequilibrium, the most monstrous crimes are as a rule committed by the least intelligent of their number. In places that are most propitious to the growth of vice, in the lower quarters of the great towns, bands of criminals are formed by an easy and ready recruiting of all the inferior beings, who have grown up in a common poverty of moral instincts and a complete absence of elevating sentiments.

The criminal class turns to account the instinct of sociability, of solidarity, and of tendencies to obedience; it exercises sometimes a veritable

tyranny over its members, and even over its leaders, who are the docile tools of the community, and who exercise in their turn the most brutal or the most insidious forms of constraint on wavering or passive individuals.

The mob is like a torrent which sweeps away everything in its path. If we form part of a multitude assembled by chance, or of an elected assembly, we do not belong to ourselves so completely, our intellect is less clear, our sentiments are not so lofty, our will is not so strong, and we are less worthy from all points of view than when we think, feel, and act in isolation. No doubt we may give way to noble impulses, we may experience and communicate to others noble passions; but, as a rule, we run the risk of letting ourselves be carried away and dominated by confused visions, which neither correspond to the best that can be perceived, nor to what we would best prefer if we could freely dispose of ourselves.

86. *Effects of Heredity, Alcoholism, and Social Disturbances in general.*

In addition to the influences exercised by the criminal class and the crowd, heredity plays so considerable a rôle in the determination of our fundamental tendencies, that we cannot overlook the part that is taken in the genesis of crime or of misdemeanour by hereditary tendencies, and by the social environment from which those tendencies have emerged.

Degeneration, so far as it is a partial or general weakening of the faculties of adaptation of the being

to its environment, of the power of work, and of resistance to nervous or psychic troubles, has often social causes, especially when it affects a large number of individuals of the same age and of the same environment.

In the first rank of the social causes of degeneration we must place alcoholism,[1] the prejudices against suitable choice in marriage, and intellectual and professional over-work. "The choice of a wife, or of a husband," says M. Goblot (*à propos* of my treatise on the determining influences of madness), "is determined far too much by worldly conventions and material interests. How does a man get into such a state as to require in his wife neither health, beauty, intellect, nor heart? What is also the mystery of the strange seduction of alcohol, a seduction which continues to be prevalent in spite of our knowledge of its danger? How can the desire of 'getting on' in order to acquire wealth, and of 'bettering ourselves' by depriving ourselves for that purpose of all enjoyment and all repose—how can it be so powerful as to check the instinct of self-preservation? These are interesting problems in social psychology."

We cannot pretend to solve these excessively complex problems in a day, but we may fearlessly assert that the causes we seek are not merely psychological, and that the morbid phenomena thus pointed out are due to more than individual perversion, in fact to a social state of disturbance and disintegration; and that, precisely because a kind of fatality seems to weigh on individuals, and because the will is powerless to re-act against a fatal current,

[1] *Vide* my *Causes sociales de la Folie.* Alcan, 1901.

we can guess that this current borrows its force from sociological determinism. And besides, it is known that criminality and immorality increase in all periods of political disturbance and social "anomia." M. Durkheim has shown that the principal cause of suicide is the variable state of disintegration of society, and that the frequency of suicides is in inverse ratio to the power of politico-religious organisation; so that the Catholic being more strongly integrated than the Protestant communities, place more obstacles in the way of suicide.[1] What M. Durkheim says of suicide we may repeat of all immoral acts.

There is no doubt, then, that a healthy social organisation can remedy immorality, and if we consider, in addition, that psychological conditions alone can give a complete determination to moral obligation by assigning a supreme end to reasonable conduct, we shall be convinced of the necessity for the ethico-sociological researches which will follow. *Their object, in fact, is to bring us to a conception of the social ideal from which will be eradicated those principal causes of crime or lawlessness that are fundamentally identical with the social causes of madness.*

[1] Durkheim, *Le Suicide*, pp. 149 *et seq.*; Morselli, *Suicide*, pp. 119 130, and Tables XVI. and XVII.– TR.

PART III.

THE SOCIAL IDEAL.

I. SOCIAL EVOLUTION.

87. *The Present State of Sociology*—88. *Social Statics and Dynamics*—89. *The Evolution of the Family*—90. *The Matriarchate and the Primitive Condition of Woman*—91. *The Primitive Condition of Children*—92. *The "Patria Potestas" and the Dissolution of the Family*—93. *The Future of the Family*—94. *Animal Societies*—95. *Political Life and the Struggle of Classes*—96. *The Idea of Equality*—97. *Governments*—98. *Plutocracy*—99. *Political Evolution and Law*—100. *The Law of Contract.*

II. SOCIAL EVOLUTION (*Continued*).

101. *The Primitive Economic State*—102. *Economic Evolution*—103. *Division of Labour*—104. *Association*—105. *Slavery and Property*—106. *Property*—107. *Capital and Labour*—108. *Collective Sentiments*—109. *Differentiation of the Primitive Sentiments*—110. *The Evolution of Sociability*—111. *The Religion of Humanity and of the Unknowable*—112. *Sociological Anticipations.*

III. THE SOCIAL IDEAL.

113. *Individualism and Altruism*—114. *The Over-Man*—115. *Sacrifice of the Unfit*—116. *The Gospel of Tolstoi*—117. *Renunciation*—118. *The Consequences of Non-resistance to Evil*—119. *The Necessity of Conflict*—120. *Despotism*—121. *The Meek*—122. *The Aristocracy*—123. *Importance of the Theory of Rights.*

IV. RIGHTS.

124. *The Foundation of Rights*—125. *Natural Right*—126. *Metaphysical Right and Dignity*—127. *Rights of Social Function*—128. *Justice and Devotion*—129. *Justice*

and Charity—130. *The Right of Property*—131. *The Share of the Community*—132. *Property and Reform*—133. *The Hereditary Transmission of Property.*

V. THE STATE.

134. *The Rôle of the State*—135. *Theories of Sovereignty*—136. *Summary of the Theories*—137. *Relative Sovereignty and the Social Contract*—138. *Duties of the State*—139. *The State and Associations*—140. *The State as Educator*—141. *The State as Judge.*

VI. THE ECONOMIC ORGANISATION.

142. *Competition*—143. *Subordination of the Economic Order to a Higher Order*—144. *The Rôle of the State*—145. *The State Principle and the Corvée*—146. *Taxation*—147. *Solidarity in the Economic Order*—148. *The Wages System*—149. *Co-operation*—150. *The Work of Women and Children*—151. *Value of the Workman*—152. *The Choice of a Profession*—153. *The Rights and Duties of the Workman.*

VII. THE FAMILY, FRIENDSHIP, AND THE COLLECTIVE SENTIMENTS.

154. *The Rights of Woman*—155. *Marriage*—156. *The Co-Education and Equality of the Sexes*—157. *Divorce and Duties towards Children*—158. *Duties of Children*—159. *Friendship and Fraternity*—160. *Man in Relation to Animals*—161. *Genuine Human Sentiments.*

I.

SOCIAL EVOLUTION.

87. *The Present State of Sociology.*

SOCIOLOGY is not advanced enough for us to be able to register here, as results definitely acquired by the science, a whole mass of data on what one might call the anatomy, psychology, and ontogeny of societies. We cannot yet say what are the organs and the

functions indispensable to social life, with as much precision and certainty as we can in the case of the organs and functions necessary to psychic or biological activity. However, sociological ideas are already sufficiently widespread for us not to suppose any longer, as they seemed to suppose in the eighteenth century, that social life is something artificial, and is the product of a human invention, the effect of a social contract which was not automatically produced.

We know that social relations form part of natural relations; that some of them are necessary; that others are laws proper to collective life and the evolution of societies—in short, that all these relations, with most of which we are unfamiliar, will be some day established and will constitute the object of a real science.

It may therefore be claimed that it would be more prudent to put off to that day, be it more or less remote, the solution of the problem that we are setting ourselves here—that of the moral organisation of social life—until this problem can be attacked by men who are thoroughly familiar with the collective laws of life and of evolution. But no science is complete even if it serve already as a basis for a practical theory. Medicine is contemporary with the first physiological researches, and if we are to wait to act until we are perfectly informed we shall never act at all. There would be this great danger in not giving a provisional solution to the practical problems which lie before us, whatever might be the present poverty of our knowledge of sociology, namely, that ethics would continue to be purely individual, to concern only an abstract being, since

the social being takes an ever larger place in our personality. To allow the traditional morality to subsist is to allow a phantom to subsist that has no action on morals; it were better, then, to substitute for it a solution in conformity with the scientific truth of to-day. Besides, the scientific truth of to-morrow, and we must not disguise it from ourselves, will be found too restricted and too remote to satisfy the requirements of reality.

To believe in a perpetual transformation of moral theories is by no means the same thing as a confession of scepticism. It is only inert things which do not undergo evolution. Morality, the theory of social activity, and of individual or collective life in society, should be subject to shifting change like life itself. Like the living being it should evolve, following the progress of the human mind, and, in particular, the progress of science. Logicians may boast that their art has not changed since the days of Aristotle. Either logic has not followed the progress of the scientific method, or it has no relation to that method, and therefore has no object and is a useless art. It were better to admit that it has changed, and that it will again be modified. The moralist in the same way has changed and will change. At most, the best-informed moralist can boast that he is writing for his generation, unless he keeps within the sphere of trivialities and general theories those immortal abstractions which are valid as classical types for all times and all places.

88. *Social Statics and Dynamics.*

Auguste Comte has distinguished between the *statics* and *dynamics* of social science. Adapt-

ing and slightly modifying this view, it seems legitimate to consider separately the totality of functions and organisms that are indispensable to all social life and to evolution properly so called; to construct on the one hand the anatomy and the physiology, and on the other hand the ontogeny of societies. But what are the principal institutions that are indispensable to all social life? They are evidently those which correspond to the tendencies that are essential to every human aggregate; and comparative sociology alone can instruct us.

In all civilisations we find religious institutions. We discover them at the very origin of social life. They are everywhere closely connected with intellectual tendencies (which will become scientific tendencies) and with political tendencies. The latter (scientific and political) are distinct from the former, and give rise to entirely different institutions, but the necessity and the universality of these institutions is not a matter of debate, even although they have been involved in their origin in religious institutions.[1] And so it is with ethical tendencies—tendencies to games, to holidays, and collective manifestations of joy or sorrow.

Outside the religious life there is little else at the outset but the sexual relations and economic life. The institutions which harmonise with the sexual appetite were not long before they appeared, if it is true that there ever was a social phase of complete promiscuity;[2] exogamy and endogamy show us what social importance was attached to the

[1] *Vide* Section 5.

[2] Westermarck, *History of Marriage*, chap. iv.-v.; Letourneau, *The Evolution of Marriage*, chap. iii.—TR.

regulations of unions between individuals of different sexes.[1] As for the phenomena of economic life, they have become of ever-increasing complexity, starting first of all from a simple tendency to the search in common for nutriment and shelter. Exchange has become commerce with its multiple institutions. Slavery, serfdom, domesticity, compulsory or free association, have in turn been the consequences of the social organisation of work; but we cannot say of any one of these institutions taken in particular that it is of such social necessity that it must never disappear. On the contrary, its appearance at only certain places and at certain times, its incessant transformations, are each in turn signs of its fugitive character.

And so it is that the various forms of property, the various legal institutions, as well as the various forms of government, have only a relative importance in the eyes of those who seek for what is most stable in every society.

The first evolution of economic life gave rise under certain circumstances to strong tendencies to military life and organisation; but it cannot be affirmed that all societies passed through the military phase before entering the industrial phase. Military institutions can only correspond to transient needs, or may constitute simple phenomena of reversion.

We see how little in the way of deeply rooted tendencies remains beneath the variety of transitory social institutions; but *love* and *hunger*, which, as Schiller said, cannot fail to influence the world while philosophers and moralists are disputing, compel us to attack the problem of the

[1] Spencer, *Principles of Sociology*, chap. xx. 4.—TR.

moral organisation of the sexual and economic relations.

The disinterested sentiments, the needs of heart and mind, religious, æsthetic, and scientific tendencies, compel us at least to seek for the means of life in common, by giving to those sentiments, needs, and tendencies a legitimate satisfaction. And finally, the universal existence of social constraint, and of political power and organisation, compel us to study the relations of the State and the individual, and to examine political life from the moral point of view. For that purpose we ought as a preliminary to consider the evolution of law and morals in the family, in the city, and in the State — economic evolution and the evolution of the sentiments.

89. *The Evolution of the Family.*

Auguste Comte considered the family as the social unit *par excellence*. Before and after him most moralists have insisted on the close relations of family and of social life, as if the family were the prototype of every collective organisation based upon natural relations. We know that Aristotle compares, in his *Politics*,[1] the different kinds of government to the different modes of authority which can be realised in the family by the subordination of the wife to the husband, of the children to the father, and of the slaves to the master. The father is therefore considered as a monarch, and that by nature. Many modern writers have shared the mistake of Aristotle on this point, and have held that the family type is one and unchanging.

[1] Book I., chap. iii.—TR.

The social evolution of different races shows us, on the contrary, that the aspect of the family incessantly varies. Contemporary sociology has even endeavoured to subordinate the evolution of the family to the general law laid down by Spencer, in virtue of which everything passes from the homogeneous to the heterogeneous, from the indefinite to the definite, from the simple to the complex, and so on. A kind of promiscuity of the sexes has often been admitted as the primitive state anterior to family life.[1]

Bachofen,[2] in 1861, expounded the doctrine according to which the state of promiscuity must have succeeded the matriarchate, the régime of the feminine rule, or rather the preponderance, from the legal point of view, of the relations based upon parentage by woman. Many authors have given direct or indirect proofs of the existence of a matriarchal phase, the levirate, the *ambil anak*,[3] etc. According to M. Durkheim and according to MacLennan,[4] to promiscuity would have succeeded in the organisation by clans a rudiment of family institutions with endogamic or exogamic polyandry. Polygamy would only come later, immediately preceding the monogamic family of races at present the most civilised. However, opinions are very much divided on the origin of the family. It may be stated at the outset that the state of promiscuity is at least anterior to the formation of human societies. Already

[1] It has also been often denied; see, *e.g.*, Westermarck, *History of Marriage*.—TR.

[2] Cf. *Das Mutterrecht*.

[3] Cf. Mazzarella, *La Condizione giuridica del Marito nel Famiglia matriarcale*.

[4] *Studies in Ancient History*. London, 1878.

in animal societies we find, as M. Espinas has shown, very stable forms of conjugal existence: most birds are monogamic;[1] the male and the female experience for each other a disinterested affection, which survives the attraction of their first meeting, and which is prolonged far beyond the duration of their union.[2]

Could not the stability of sexual unions which increases with the degree of intelligence of the animals, have been possible from the beginning, at least in certain human races? It is very likely that, as M. Lalande[3] thinks with Darwin and Sir Henry Maine,[4] the family springs directly, perfectly differentiated and perfectly formed, from the physiological conditions of reproduction.[5]

90. *The Matriarchate and the Primitive Condition of Woman.*

To the argument of the disciples of Bachofen, who concede a matriarchal phase necessarily preceding the patriarchal, is opposed the opinion that the matriarchal forms, and the *ambil anak* in particular, although observed by Mazzarella in more than one hundred and thirty cases among the most diverse races of every country in the world, are perverted

[1] *Sociétés animales*, p. 424. [2] *Ibid.*, p. 429.

[3] *La Dissolution opposée à l Évolution*, p. 312.

[4] "If it is really to be accepted as a social fact, the explanation assuredly lies among the secrets and mysteries of our nature."—*Village Communities*, p. 15. Also vide *Early Law and Ancient Custom*.—TR.

[5] According to Marro, *Trans. of Ethnog. Soc.*, xi. p. 35, among the Andamans, a woman who resists the conjugal embraces of any member of the tribe exposes herself to severe punishment. Is this a vestige of the so-called primitive promiscuity? Is it not rather a sign of decadence? (Cf. Letourneau, *op. cit.*, p. 43, *Trans. of Ethnog. Soc.*, N.S. ii., p. 35, v. p. 45.—TR.)

forms of the primitive family institution, modes posterior to the normal modes of family existence, and products of social dissolution.

Besides, not only may a unique beginning of family evolution be argued, but several kinds of beginning, corresponding to the different types of the primitive family. Grosse[1] seems to have correctly distinguished the family of the hunter from that of the shepherd or the farmer, either inferior or superior. Exogamy or endogamy has had to depend, just as the existence or the non-existence of the matriarchate has had to depend, on entirely different economical conditions, which have profoundly affected the social and legal position of woman, a position which varies so considerably at different stages of civilisation.

M. Letourneau[2] thinks that in all primitive societies the woman represents the domestic animal, the beast of burden of more advanced societies; that she is treated as a slave, and that this is one of the reasons why slavery was established at such a late period in the course of social evolution. In Australia, among the clans, slavery is unknown. Women are reduced to serfdom, are overworked, and ill-treated. The analogy to the beast of burden is complete. Schurtz[3] confirms this evidence. According to Ratzel,[4] the woman is considered by her husband as a commodity; she is taken without her consent among the Dieyeries, the natives of Powell's Creek on Herbert River, on the west side of the Gulf of Carpentaria. She is exchanged at the whim of her

[1] *Die Formen der Familie.* Leipzig, 1896.
[2] *L'Évolution de l'Esclavage* (1897), pp. 27 *et seq.*
[3] *Katechismus der Völkerkunde* (1893), p. 139.
[4] *Völkerkunde*, ii. pp. 66 *et seq.*

brothers or relations. She may be sold or exchanged by her husband when she no longer works according to his liking. She may be slain without any legal sanction, when she is no longer able to work, or when food is not forthcoming for her nourishment; and finally, after the death of her husband, she becomes the property of his brother.

But Dr. Nieboer[1] refuses to see "only these bad features of the case." Sometimes, even in Australia, the wishes of the women are taken into consideration, both in family life and in marriage. There are numerous cases of women who have had a real influence over their husbands.[2] The levirate exists, according to Fraser and Dawson, among the natives of New South Wales and of West Victoria. "When a married man dies his brother is obliged to marry the widow if she has a family, to protect her, and to take care of the children of his brother." Here, then, is a medley of customs apparently in complete opposition, the one favourable to the doctrine of the omnipotence of the husband, and the other rather opposed to it. Signs of the primitive slavery of woman always predominate, however, and that in the tribes of North America as well as in the clans of Australia. The women of the Ojibeway Indians, according to Jones, do the hardest work, receive the worst nourishment, and can barely claim a place in the wigwam. Mackenzie[3] quotes numerous instances of the slavery in which women of other Indian tribes,

[1] Dr. Nieboer, "Slavery as an Industrial System," *Ethnological Researches*. The Hague, 1900.

[2] Letourneau, *op. cit.*, pp. 190, 263-265.—Tr.

[3] *Voyages from Montreal through the Continent of North America* (1802), vol. i. pp. 147 *et seq.*; vol. ii. pp. 15 *et seq.*

the Sioux, the Apaches, etc., are kept. In Melanesia the condition is that of the severest slavery. Women are estimated according to the amount of work they can do. In Oceania, polygamy is very often only a means for purely economic ends.

And further, according to Dr. Nieboer, wherever the situation of women is improved, it is because wealth or easy circumstances allow the husbands to entrust to slaves or servants the work which their wives would otherwise have been compelled to do. It would not, therefore, be surprising to find that in many cases family evolution began with feminine slavery, and that in some cases only has woman had from the beginning a social and legal position, if not superior, at any rate equal to that of man. Besides, the existence of the matriarchal régime cannot prove the primitive superiority of woman to man. If the transmission of property takes place by the female line, if children remain attached to their mother, and therefore are submitted to the authority of her immediate parents—if, in short, family life as a whole has for its pivot maternity—such a state of things is perfectly natural, especially among warriors and hunters, where the men are almost always away from the home. It is none the less natural that this should not be the case among races leading an agricultural life, and that patriarchal manners should be established, if not at once, at any rate much sooner among the latter than among the former.

As for the slavery of man, the situation created by the *ambil anak*, in which the husband is the servant, the slave, without any rights over his children, we consider that such a mode of family

existence may have been, and must have been, realised where strong men left one by one a poor clan which was unable to give them food and work, to betake themselves to rich and prosperous countries where they were treated as strangers, and therefore deprived of every right, even over their own children. It does not follow, as M. Mazzarella believes, that the *ambil anak* has everywhere constituted a necessary phase of the evolution of the family.

We may, therefore, admit that at the beginning of different civilisations the condition of woman has been in most cases an inferior condition.

91. *The Primitive Condition of Children.*

Was this not also the case with children? We seem to have been much more preoccupied, in the environment in which the theory of the matriarchate has assumed such importance, with the condition of children than that of parents. However, Dr. Steinmetz has recently gathered together in an interesting study[1] the data which are to be found in the works of Bancroft, Krause, Burckhardt, Von Middendorf, Sohm, Puchta, and others, on this question.

He has shown what degree of development has been attained among savages by what the Romans called "patria potestas." It is said that at Flores the children of the richest families are treated as slaves as long as their father is living, that they figure as slaves both at public festivals and at the funeral rites of their father, and that this is

[1] "Das Verhältniss zwischen Eltern und Kindern bei den Naturvölken," *Zeitschrift für Socialwissenschaft*, I.

evidently the external sign of a rigorous paternal authority. The Apaches, the Botocodos, the Bedouins, and the Samoyedes have, as the ancient Roman had, the power of life and death (*jus vitæ ac necis*) over their children. They use them for their own purposes as chattels or domestic animals. Everywhere the matriarchal régime exists, children owe entire obedience and complete devotion to their maternal uncle in particular, and he has over them infinitely more rights than their own father. To him they owe everything, and they have a right to nothing.

92. *The "Patria Potestas" and the Dissolution of the Family.*[1]

The point of departure of female evolution seems therefore to be the despotism of the head of the family, the slavery of the component elements, women and children in most cases, but husband and children under circumstances which, if not abnormal and exceptional, are at least rare. And further, the elements of the family were ill defined at the outset. The family was included in a more or less vast aggregate, and itself very often comprised servants whose condition and lot were but very little different from that of the other members of the family who were united by "ties of blood."

In proportion as the authority of the chief is strengthened, we see the family form a much more independent whole with its own traditions, its own gods, its own worship, its own rights, and its own government. It becomes, as it were, a house completely closed to most external influences and almost

[1] Maine, *Ancient Law*, pp. 133-146. TR.

self-sufficient. Then the great family is dissolved to make way for small families, containing fewer elements, and having between them relationships which become better and better defined. Paternal and marital power become weakened, and at the present day in the most civilised countries the family whose cohesion reposes purely and simply on the authority of the head, is in a fair way to dissolution. Thus it may be considered as having reached the most advanced stage in general evolution. In the times of the Punic wars, says M. Lalande,[1] respect for the family is at least as strong as respect for the State; discipline always reigns on the domestic hearth. In our days respect for parents and for the husband loses its ancient character, which was derived from fear of the tyrant. Woman has progressively freed herself from the narrow tutelage in which she was kept by the authority of the husband, a tutelage which was sanctioned by custom and law, but which became more and more branded as brutal and illegitimate. Evolution of the family thus takes place in the direction of the decadence of authority and of an increase of individual liberty.

Formerly female property remained indivisible, and theoretically at least belonged to the family represented by the ancestor or by the eldest of the children, whose duty it was to supply the needs of all the other members of the family; and so property became more and more individual. In olden times certain professions were hereditary, and children could claim public support by taking up, in most cases under compulsion, a profession as to

[1] *La Dissolution opposée à l'Évolution*, p. 325.

which they were allowed no choice; but in our day, children are almost completely independent in the choice of a profession. Woman is less and less confined to the home; she takes her part in social work, and in many of the functions of public life.

93. *The Future of the Family.*

What, then, can we foresee in the near future but a still more complete dissolution of the family and a greater homogeneity of all its elements, the progressive disappearance of every vestige of the ancient *patria potestas* and *jus maritale*, a more and more marked independence of the different members, who will always be bound by legal, economical, and moral ties to one another, but who will be fretted less and less by those ties in their civil action and in the exercise of their aptitudes? In fact, the family solidarity which formerly visited upon the children the sins of their ancestors to the thirtieth generation, and which made of the family honour so powerful a motive to minds attached to tradition, will place an ever-diminishing obstacle in the way of a wider solidarity and the formation of free and extended groups.

94. *Animal Societies.*

The existence of a social organisation among the animals inferior to man has been proved by M. Espinas in his excellent treatise on animal societies.[1] But the same author has shown the diversity of the principles of common life, from that of parasitism to that of conjugal society. May we not suppose that

[1] See also Prince Kropotkin, *Mutual Aid*, passim. —TR.

human societies have been constituted on other foundations than those of "animal societies"? No doubt there is a continuity in the evolution of the animal kingdom, and the stages between the inferior and the human modes of social organisation are marked by numerous intermediaries. But there comes a time when moral and rational considerations intervene, when society is judicially constituted, when organisation from being spontaneous becomes reflective, when beings living in common become conscious of their aptitude for regular collective action and of the requirements of that mode of life, and of the possibility of effecting lasting modifications therein from the point of view of progress. Is not this the stage when organisation becomes really social because it is really human?

Some authors claim, it is true, that there is already among animals a kind of judicial institution:[1] a solemn and deliberate sentence to death with all the characteristics of a judicial execution, according to Dr. Ballion.

However, the ideas of right and justice, of law and of violation of law, of obligation, of acts permitted or forbidden, can only proceed from moral reflection, and they are indispensable in the conversion into political facts of such facts as may be connected with a "pre-social" phase—facts of reaction, of collective restraint, and of life in common, in the stage where there is no other foundation for the existence of community, but imitation, spontaneous sympathy, and what M. Durkheim calls "mechanical solidarity."[2]

[1] Kropotkin, *op. cit.*, p. 58.—TR.

[2] Spencer, *Principles of Psychology*, chap. xvii. 5, Sociality and Sympathy.—TR.

95. *Political Life and the Struggle of Classes.*

When the observation of certain rules deliberately laid down is required for the accomplishment of acts hitherto left to the individual choice, when law replaces custom, whatever may be the origin of law and the power which promulgates it—provided that there arises in us all a sense of obligation—when authority is established, then political life commences, and then only can there be a question of morality or immorality in the State.

Now the influence of "authority" is felt from an early date in the evolution of the human race. We know of no race, no tribe, no clan, in which there does not exist a collective will expressed by verbal or written prescriptions which are well known to all, and which already constitute the law. The form of government matters relatively little, and, as with Plato and Aristotle, too much importance perhaps has been attached to the sometimes quite superficial opposition between the monarchical, the aristocratic, and the democratic forms.

What matters much more is the *spirit* of the government, the conception of the relations which are to be created or maintained between the State and the individual. Is there any correspondence between the State and the nation? Is there any opposition, and therefore is the State, that is to say the organ of coercion and of government, the mainspring of authority, only a portion of the nation, or are there intermediaries between it and the people? Do these intermediaries consist of classes or castes, and does the law vary according to the

caste? That is the important point to consider in social evolution.

It seems that in general the power was first in the hands of the public, who showed their authority especially in reprisals on some of their members for outrage against public feeling. The greater the outrage, the more it attacked deeply rooted sentiments, the more violent was the social reaction, and the more unity was there in the exercise of collective power. So that, as M. Durkheim has shown, the law was to all intents and purposes the penal law. Political, religious, economical, and family organisation for a long time formed among many tribes an indivisible and not yet differentiated whole. How could distinct classes, the one dominant, the other subordinate, be constituted and give rise to those political struggles which, proceeding unchecked, brought about an accumulation of injustice and crime—gave rise to rivalries and conquests, and caused the formation of distinct, and in most cases hostile nationalities? There is no doubt that the increase of density in different populations was one of the principal causes of those great political and military movements which ended in the intermingling of different races, and for a long time secured the rule of the strongest.

The formation and the disappearance of castes or distinct classes being, as we have seen, the most important phenomenon of social evolution, one sees in succession religious, military, and plutocratic castes predominant, according as the evolution of a country is more or less advanced.

But the rule of the castes, which flourished in antiquity among both European races and the

Egyptians, gradually disappeared. The transient predominance of a sect has replaced the constant supremacy of a caste in communities without stable political organisation, such as the Semitic tribes and the Arabs. In modern nations "the struggle of the classes" seems to be daily on the decrease. M. Lalande rightly points out "the increasing interrelation of men to one another, and at each stage of their development a corresponding assimilation of aims, ideas, and sentiments which were at the outset opposed." Homogeneity proves superior to diversity in practice, "tendencies towards unity urge men to destroy the very differences that nature gives to them ready made. Every external mark of specialisation which was once regarded with pride now falls into discredit." Everywhere in the family as in the State, in habits as in language, the assimilation proceeds apace; common interests unite men of very different origin; individuals of every social sphere are constantly being brought into closer contact; so that we may consider the different "classes" of society as superannuated forms in which before long no individual will care to find himself.

96. *The Idea of Equality.*[1]

M. Bouglé[2] examines and explains the development in modern Western society of the idea of equality, which was part of the social consciousness of the ancients. In antiquity, as Fustel de Coulanges has pointed out, "the city was the only

[1] Cf. Mackenzie, *An Introduction to Social Philosophy*, pp. 249-286; Sorley, *op. cit.*, pp. 69-73; Maine, *Ancient Law*, pp. 92-96.—TR.

[2] *Les Idées égalitaires.* Alcan, 1899.

living force; there was nothing above it and nothing below it." It was only at the close of the Roman period, under the influence of Stoicism and Christianity, that the individual appears as an end and becomes a more or less independent centre, the "point of intersection of very numerous and very different circles which compete in distinguishing his personality from that of others." The idea of equality develops in proportion as density of population, social mobility, rapidity and frequency of communication, and homogeneity co-existing with considerable differentiation, increase in a nation or a totality of nations. Societies which being unified while they are becoming complex, whose units are being assimilated at the same time that they are developing points of difference, and which are being simultaneously concentrated and multiplied, must habituate men's minds to the idea of equality.

Now such conditions are realised in modern Western societies. We can therefore foresee that "habits of mind opposed to the idea of freedom will be shattered, both by the assimilation which unites the members of one group to those of another, and by the differentiation which throws into mutual opposition the members of another group." The struggle of classes, the predominance of one caste over another, are social phenomena which must disappear.

But for ideas of equality to triumph, since unity and diversity must proceed *pari passu*, an increasing centralisation of the directing and coercive power is necessary. A centralised government increases density of population, establishes uniformity, and "tends to oppose every kind of group, both compact

and exclusive, which divides society into clearly distinct sections."[1] What is then the form which, in the near future, government will take in the ordinary process of evolution?

97. *Governments.*[2]

M. Coste, after an exhaustive examination of historical data,[3] thinks that, from the political point of view, the succession of governments *absolute or patriarchal, military-religious, administrative, parliamentary, representative* and *judicial,* is inevitable. He sees in this evolution a progressive decrease of subjection, a continuous progress towards the suppression of despotism and the effective protection of the law. There is less servitude under a military government than under absolute patriarchal rule, because in the military state we undergo discipline, while in the primitive social forms rule was despotic (whether the rule of the community or of the individual). There was less oppression under administrative than under military rule; less check to individual liberty under representative rule than under administrative; and finally, under judicial rule, "the most complete liberty possible involves the admissibility of all, not only to public, but to social functions; and this must end in a given time in bringing together—a matter of the utmost advantage to society and the individual—the task which is to be performed,

[1] Bouglé, *op. cit.*

[2] Mackenzie, *op. cit.*, pp. 329 *et seq.* Proal, *Political Crime*, pp. 173-205, 312-339.—TR.

[3] Ad. Coste, *L'Expérience des Peuples et les Prévisions qu'elle autorise*, pp. 186-193. Paris, Alcan, 1900.

and the man, wherever he may come from, who is found most competent to perform it." And therefore favouritism, castes, classes in an attitude of hostility, checks to the free expansion of individual value, and opposition between the State and the nation, beyond the legal opposition of the government to the governed, must all disappear. This, then, is the final stage of an evolution which has been in operation for ages.

98. *Plutocracy.*

Mr. Brooks Adams,[1] who does not believe so much in evolution as in a series of "ricorsi" such as Vico suggested, throws into relief the preponderating power of money in political evolution. M. Ad. Coste recognises that "trouble is almost inevitable between the parliamentarian system (whether monarchical or republican in form) and plutocracy"; but with much optimism he foresees that in the not remote future the power of parties and of the middle classes, and the power of riches, will yield to the power of the intellect and of free association. Mr. Brooks Adams seems to make too much of that entity—the race; he feels that after three or four generations exhausted blood needs purification and renewal by the contact of a new race, lest it should recommence the fatal cycle which begins with militarism and ends in an inevitable decadence, in the lowering of the moral level by triumphant plutocracy. New races penetrate but slowly into the great current on which civilised nations are borne; the elements of both mingle very slowly; so that, properly speaking, there

[1] *La Loi de la Civilisation et de la Décadence.* Alcan, 1899.

is no race which is just entering on its existence, and no race just coming to an end. And further, there are no two "races" or groups of nations which have a similar evolution, and one cannot infer from the slow decomposition of the Byzantine or of the Roman world the inevitable decadence of the European civilisation of the present day. Industrial development will probably be an obstacle to the pernicious influence of money. No doubt it will also be an obstacle to the incessant struggle between the classes, which, in the eyes of a German sociologist, M. Zenker,[1] appears inevitable and eternal. His conception of the State as a hierarchy of castes maintained in subjection by the brute power of another caste, which is but temporarily predominant, seems to proceed from an incomplete view of social evolution.

The idea of a reign of law and right, as opposed to a reign of force and money, has made incontestable progress, and has become an integral part of the social consciousness of civilised races.

99. *Political Evolution and Law.*[2]

That political evolution takes place in the direction of a greater independence of the individual with respect to all arbitrary power is shown by the evolution of law. As we saw above, law was first of all almost entirely penal. The harm caused to individuals escaped all repression when it constituted no offence to collective sentiment, and one might quote many examples of crime against the individual,

[1] *Natürliche Entwickelungsgeschichte Gesellschaft.* Berlin, 1899.

[2] Proal, *op. cit.*, pp. 279-353; Maine, *op. cit.*, pp. 25, 113-151.—TR.

and even of murders, judged much less severely by primitive societies than the forgetting of a ritual prescription, which seems to us in these days entirely insignificant. There is therefore in primitive law a sure indication of the importance assumed by Authority, and of the small value attached to persons and individual rights. It may be said that the latter, properly speaking, do not exist, for the individual is as it were submerged in the social mass; he is not yet sufficiently disengaged from his environment to oppose his moral force to the brute force of the community. Certain historians of the law have given with Fragapane the name of "pre-juridic" to this social phase, because it seems dominated by individual or collective vengeance.

The vengeance of the community is already exercised, not only as a purely impulsive reaction, but also as a means of social preservation, of the preservation of traditions, rites, customs, feelings, and tendencies which are the very soul of common life. It is the "social spirit," as M. Tanon[1] says, "which by its force alone creates the whole of law"; and it can only be so in nascent societies, in which simplicity and uniformity of the conditions of life and culture impress on each member of the community the same manner of feeling and thinking, and make each embrace and conceive uniform views of the whole of moral and judicial life. Thus there is really law in the first phase of social life, and this law is the point at which the evolution we have to examine begins. This penal law, founded on social constraint, allows of the second and third phases indicated by Fragapane: the "arbitrary legal

[1] Tanon, *L'Évolution du Droit*, p. 74. Alcan, 1900.

phase," the phase of vengeance and settlement; and the "executive legal phase," that of the imperative intervention of authority for the purpose of a coercive sanction.

100. *The Law of Contract.*[1]

In the course of these two phases, the importance assumed by the individual becomes greater and greater. The law of contract with its restitutive sanction is progressively opposed to the penal law with its purely repressive sanction. Commercial customs, the development of relations between races, tribes, and nations, must ever contribute to the expansion of this law which makes a large number of practical determinations depend on a contract freely entered upon, and no longer on the arbitrary will of the sovereign.

The obligations imposed by the law thus became less numerous than the obligations accepted in consequence of an agreement between individuals. The civil law successfully opposed the criminal law; and in our days the former has acquired a preponderance which is incontestable.

In fact, the simple contract between individuals is not sufficient to constitute a legal act. There is no legal fact unless the assistance of public authority is assured for the execution of the contract. For that to be the case, the contract must be established in the forms, under the conditions, and within the limits fixed by the law. Now we see the law penetrating further and further into the domain of private life and of the individual will for the

[1] Maine, *Ancient Law*, chap. ix.—Tr.

purpose of regulating the most varied modes of action, and of thus giving them all a social value and a legal sanction. While formerly, and from the beginning of evolution, the collective power determined as much as possible the "substance" of actions, thus annihilating the individual will, maintaining by force the primitive homogeneity, we now see authority endeavouring more and more to impose a common form on every act; but, while giving a legal form, we see it further and further refraining from determining the substance of the obligations, leaving that duty to the individuals who are freely binding themselves by the contract. In marriage in France, for instance, it is only in default of anterior conventions that the law imposes a well-defined rule. And so the social life penetrates more and more into the individual life, but social constraint is *ipso facto* exerted less and less on the individual will, and thus the development of the liberty of the citizen is intimately connected with the development of the legal system. And so we see those races which advanced in civilisation, granting to the State powers of the most varied order, and at the same time giving to individual liberty the maximum extension, while, on the other hand, oriental races are those in which we see the minimum of importance attached to the social functions of the State, and the minimum development of individual liberty. The future, then, really belongs to the individual who, under the control and the protection of the State, will become more and more independent of all arbitrary authority.

II.

SOCIAL EVOLUTION (*Continued*).

101. *The Primitive Economic State.*

IT has been recently alleged that economic progress in primitive humanity was effected as the life of the hunter or fisher gave place to the nomadic life of the shepherd, and eventually to that of the farmer. But, "over more than half the globe," says Dargun,[1] "pastoral life has not been the stage of transition between hunting and agriculture, and in consequence the inhabitants of many countries have never known the régime of property which is peculiar to a race of shepherds. Among them we must include those of America, Australia, and Polynesia on the one hand, and at any rate the greater part of those of Asia and Africa on the other. We must therefore cease to consider the three traditional stages as necessarily successive in human progress. And further, all the pastoral tribes that we know do engage in agriculture, although in a very dilatory fashion. Hordes of nomadic shepherds are, taken as a whole, more civilised than many tribes which are devoted to agriculture." This gives us grounds for believing that a pastoral life is posterior to primitive agriculture. These are views which are now generally accepted, and Grosse distinguishes in each group of shepherds, hunters, or farmers, the *inferior*

[1] L. Dargun, "Ursprung und Entwickelungsgeschichte des Eigenthums," *Zeitschr. f. Vergl. Rechtswiss*, v., 1884.

and the *superior*, in order to mark that these groups correspond rather to different types of existence than to degrees of the same evolution.

102. *Economic Evolution.*

Whether they be shepherds, hunters, or farmers, primitive races have an economic activity which is but slightly complex. It is only, it seems, at the superior stage of primitive agricultural life that exportation, commerce, or exchange with near or remote tribes make their appearance. Division of labour, the separation of trades, and the artisan's life do not come till later. The development of industrial activity is therefore more characteristic of a high civilisation than the expansion of commercial life and the importance of exchange, although commerce obviously cannot reach a high degree of development except *pari passu* with industrial progress.

M. Coste[1] divides economic evolution into five principal periods:—

1. Patriarchal production or the joint-tenancy of productive activity; absence of monetary exchange, inalienable real property (*jus utendi*).

2. Separation of professions and trades, domestic and artisan production, local commerce, inalienable landed property (*jus abutendi*).

3. Division of labour and the use of natural driving power in manufactures, regulated inter-provincial and colonial commerce, capital and commercial property.

4. The mechanisation of labour and the use of physico-chemical motors in machinery and tran-

[1] *Op. cit.*, p. 336.

sport, conventional international commerce, personal property.

5. Creation of economic organisms by combination for public action, of protection by union of co-operative association of capital and interested individual activity; free exchange; co-operative property for workers on the plus value of the productive funds chargeable to them.

103. *Division of Labour.*[1]

Economic evolution would therefore be characterised by an increase of production, more and more active exchange, the progressive suppression of every cause of loss (checks to free labour, administrative tyranny, frauds, crises, artificial regulations), in short by an increasing intervention of the community and of the State for the protection of individuals and the utilisation of their aptitudes.

The main effect of this evolution in the last century was the introduction of machinery with its power a hundred times greater than that of man, the incessant improvements which place in the hands of the workman the greatest variety of tools, thus involving a great diversity of functions, and an ever-increasing division of labour. We can scarcely foresee how far machinery will transform industry, and therefore modify economic life. But it certainly seems that the age of competition between individuals will very soon be brought to an end. "Economic individualism," says M. Coste,[2] "is

[1] Marshall, *Principles of Economics*, vol. i. pp. 310-327, 339-356; ibid., *Economics of Industry*, pp. 49 *et seq.*; Walker, *Political Economy*, pp. 58 *et seq.*—TR.

[2] *Op. cit.*, p. 342.

perfectly sound when it lays stress on the fruitfulness and the needfulness of personal initiative, but there are no grounds for the supposition that it is self-sufficient. Sociology must show that economic progress consists in the better and better concerted co-operation of public action, of associated capital and individualised labour without any undue assumption of superiority on the part of one of these elements over the others." The powerless and costly nature of competition, belauded as it is by orthodox economists, has been shown in the course of the nineteenth century. It has caused ruin and failure which concerted action would have avoided. Division of labour, specialisation of work, and therefore of aptitudes, while giving increasing value to the individual, makes more and more urgent the demand for co-operation, and for the solidarity of all the factors of wealth, and of all the elements of economic life. M. Durkheim has ably shown how "organic solidarity" increases with the division of labour, and brings in its train an increase of that individual liberty which, in spite of their desire to keep it intact, the supporters of competition have but indifferently safeguarded. The division of labour and solidarity allow of an indefinite progress of the machinery without reason for fearing the consequences. Brute force in man will become of less and less account; intellectual power and technical skill will be more and more appreciated. For it cannot be maintained that a machine, however perfect it may be, will be directed by an ignorant and clumsy workman as well as by one who is skilful, capable of performing the maximum of useful work, and of repairing, when occasion arises,

the machinery with which he is familiar, and which he uses with the more precision in proportion as he is familiar with it. It has been said that the advent of the long-range rifle has shown that valour and courage on the field of battle are useless; but it has made intelligence far more valuable. In the same way machinery makes brute force of no avail; it makes still more valuable the qualities of mind that a long apprenticeship and constrained discipline enable a man to acquire. From the purely sociological point of view it brings together workmen on the same work—work which is always getting more complex. It makes of the great shop, of the great factory, of the industrial city, a more and more unified whole. It radically contrasts the trades of to-day and their unions with those of the Middle Ages, when corporations subjected industrial activity to the domination of a few narrow and immutable rules, and left the individual no right to initiative, and no means of acquiring personal value.[1]

104. *Association.*[2]

The unions of the present day tend, it is said,[3] to "economic sovereignty," that is to say, to the regulation of prices, salaries, and hours of work; and these regulations are imposed on all workmen and on all concerned, and would thus, it seems, clearly affect individual liberty. M. Yves Guyot agrees with M. Paul Boncour in foreseeing an increasing tendency

[1] Brentano, *History and Development of Guilds*, pp. 101 *et seq.*—Tr.

[2] Mackenzie, *op. cit.*; Marshall, *Principles of Economics*, pp. 433-434, 710-711.—Tr.

[3] J. P. Boncour, *Le Fédéralisme économique.* Preface by M. Waldeck-Rousseau. Alcan, 1900.

to "socialistic tyranny." Nothing is more natural to a mass of men, suddenly organised into powerful unions, than the claim to exercise an unlimited constraint on the defenceless individual. The instincts of the crowd are fundamentally instincts of oppression. We have seen trade unions in France pursuing with their hatred the recalcitrant among their fellows, and the only reason they have not committed illegal acts is that justice has intervened.

But facts such as these are rather phenomena of regression than of evolution. To form a sane judgment of the future of trade unions one must place oneself above all that is accidental, above all unfortunate incidents and transient tendencies. Unbearable tyranny would wreck the unions. One may therefore predict their disappearance within a limited period, if they have no other aptitudes than those which, during their short existence, we have been enabled to discover.

Happily the unions have other reasons for their existence than the tendency of the mass to dominate and oppress the individual. Just as, from the political point of view, evolution has taken place in the direction of an organisation of power, so that the law which is the expression of reason is substituted for the individual or collective choice—in the same way from the economic point of view the future will no doubt show a more or less rapid transition from "socialistic tyranny" to the legal liberty of the unions. In fact, the object of union is "the expression of professional solidarity," and the putting into practice of that solidarity which during past centuries, and notably in the nineteenth century, has endeavoured incessantly to manifest itself in spite

of obstacles of every description placed in the way of its development by the central power. There is a natural grouping, says Mr. Jay,[1] "which arises from community of residence, and another which is derived from community of occupation. . . . In both cases special relations are established, similar needs are created, competing forces, connections, and oppositions of interest arise with quite a body of relationships, the co-ordination of which into a regular régime is necessary to secure *safety to all, and to each the means of pursuing his ends.*"

As M. Paul Boncour proves, the aspect of professional solidarity varies with each profession. But it exists everywhere, and is itself a justification of the existence of the unions, and gives the surest indication of the future of economic associations.

Individual liberty does not therefore seem to be threatened by the organisation of collective force. On the contrary, indeed, its safety would be best secured by the unions confining themselves to a defence of their common rights and their common independence. Besides, do we not see already a tendency to substitute for the violent pressure which is sometimes exercised on individuals in the case of a strike, a kind of universal suffrage, a referendum having as its principle the free expression of the individual will, and as its end the methodic establishment of a common rule?

M. Paul Boncour foresees a yet more brilliant future for associations of every kind, and in particular for the trades unions. According to him, the day will come when these professional groups will be invested by the law with rights similar to those of

[1] *Évolution du Régime légal du Travail*, p. 16.

other and dissimilar associations (the right of civil or criminal prosecution, the right of setting in motion public action in the case of misdemeanours which come within their competence); when, in addition to this moralising rôle, they will give valuable assistance as regards laws of labour, industry, and commerce, to the administration of those laws, and to the political and economic organisation of the country. Federation of all types of unions might serve as a basis for the general representation of the interests and tendencies of a nation.[1]

If the professional unions some day attain such a degree of co-ordination and of political or legal weight, entirely new conditions of equilibrium of economic forces, and in particular a new method of division of wealth among the workmen, must of necessity come into force in each country.[2]

105. *Slavery and Property.*

The division of property, whether natural or acquired by labour, was for a long time effected according to principles which would not obtain at the present day. Almost at the beginning of social evolution we find slavery depriving certain individuals of all power of possession, although these very individuals were the only workers and the sole producers of wealth.[3]

No doubt slavery was not a universal fact in humanity. In numerous races men have never been enslaved by their fellows; and if Dr. Nieboer is to be believed, and his treatise is full of evidence on this

[1] Paul Boncour, *Le Fédéralisme économique*, pp. 354-377.

[2] Mackenzie, *op. cit.*, pp. 323, 324.—TR.

[3] Maine, *Ancient Law*, pp. 162 *et seq.*—TR.

point, military races have been much less prone to institute slavery than industrial and commercial communities; but we may consider the slavery of individuals or of entire races as a very widely spread "industrial system."

The process has been very general. Everywhere we see that when economic life has ceased to consist in direct exchange, or in an immediate consumption of natural products, whenever industry and commerce have been developed, there then appears a tendency on the part of the stronger to oppress the weaker, in order to obtain from them the maximum of labour with the minimum of expense or pay.

Now this tendency gradually disappears. More and more must there ensue an exchange of services through the intermediary of money, and therefore an accumulation in the hands of the greatest number of individuals of the means of exchange which constitute private property.

Industrial progress has freed the workman. The increasing complexity of the means of production, multiplicity of inventions, the necessity of profiting by every natural resource in regions where none but hard-working men can live, have made division of labour inevitable. The difficulties of the struggle for existence have made certain races bolder, more ready for innovation, and more inclined to appreciate skill, the spirit of invention, and technical value. While the nations which lived on a rich soil, in fertile plains, continued to live without effort, and endeavoured to keep a considerable number of slaves, the races which lived on a poor soil, in mountainous districts, put forth all their energies, and in the accomplishment of their common tasks accustomed

themselves to the equality of all before the law, and conceived the idea of the aptitude of all to possession in general, and the right of each to possess the fruits of his labour. And thus, as Spencer[1] has so clearly shown, industrialism assisted the development of individual property. And besides, as the English philosopher points out, since the diversity and the importance of personal property possessed by individuals increases with industrialism, land is little by little assimilated to the product of work, and is blended with primitive personal property, so that landed property is also subject to an evolution which tends to make the good that nature brings us and all kinds of natural and artificial wealth more and more strictly individual.

106. *Property.*

Nomadic races could scarcely conceive of any other individual property than that of weapons and a limited number of movable articles. Warlike races added to these the possession of booty; agricultural races, which seem the most apt to conceive of real property, have not, as a rule, admitted at the outset that a part of the common soil may be exclusively reserved for the individual. It was only as the art of agriculture progressed that temporary possession was established. "The land," says M. de Laveleye, "continues to remain the collective property of the clan, to which it returns from time to time for the purpose of redistribution. This is the system in force at the present day in Russian communities. In the time of Tacitus it was the system among the Germanic tribes."

[1] *Principles of Sociology*, chap. xv.—TR.

According to M. Kovalewsky, primitive agrarian communism was first destroyed by the increasing density of the population, and afterwards by political institutions such as the feudal system, or by social events such as the triumph of the middle classes. The truth is that the communism of savage hordes has never been anything but the lack of individual property, and can only be defined negatively, for, as M. Zenker[1] remarks, the mind of early man is not complex enough to grasp at once the idea of collective possession. It was in the absence of all possession that individual property was established, so that it had not to struggle against a rival and anterior collectivism.

Strength, skill in handling arms and in getting the best of it in the fight, as Spencer claims,[2] were at the outset the foundation of the special advantages given to certain men, and these advantages degenerated into landed property.

In proportion as technical skill and intellectual or moral worth acquired a wider scope, and became the rivals in public estimation of warlike reputation, private property became more widely extended among those races which began with the military régime. In other cases, the bringing into relation of the soil, mines, quarries, etc., by means of labour has allowed of more or less lasting usurpation.[3]

But we must be careful to remember that the evolution of landed property had to pass through a stage which is peculiar to it, possession by the family rather than by the individual. In our days,

[1] *Die Gesellschaft*, vol. i. p. 80. [2] *Op. cit.*, chap. xv.—TR.

[3] Thus the existing law of property sprang in 1789 from the law of property which obtained in the Middle Ages.

among the most civilised races, there still remain unmistakable traces of the possession of real property by the community to which the individual is immediately attached.

When it is not the family, it is the congregation or the group that is charged with the duty of safeguarding the community of joint-possession. This is, properly speaking, the collectivist phase of social evolution. It is not the first phase, nor is it the most recent; it is intermediary between the unconscious communism of the beginning, and the individualism of the present day.[1]

Property therefore tends to become more and more personal, and this tendency is due in particular to the present conditions of labour. It always seems that individualism is not here antagonistic to a kind of collective possession, possession by unions or associations of different kinds, or by all the groups which have as their end the work that is common to different individuals. Individual property has nothing to fear from the development of such collective property, which is perhaps the form of possession which the greatest and economically the most successful enterprises will assume in the future.

107. *Capital and Labour.*[2]

Industrialism has not only favoured the establishment of individual property; by the accumulation of capital necessitated by great industrial enter-

[1] Even under the feudal system we find family "tenure" generally preferred to individual tenure. Cf. H. Sée, *Les Classes rurales et le Régime domanial en France au moyen Age*. 1901.

[2] Marx, *Capital*, vol. ii. chap. xv.; Thorold Rogers, *The Economic Interpretations of History*, pp. 23, 228.—TR.

prises, it has also given rise to a conflict between capital and labour. The problem of the fair relation to be established between the revenue of the capitalist and the earnings of the worker is essentially modern, one may even say, recent. For it only came into being when the variety and the power of machinery had modified so profoundly the *tout ensemble* of the economic phenomena of production.[1]

The suppression of ancient corporations, while destroying many abuses and unjustifiable privileges, has disorganised those workmen to whom the right of association, coalition, and co-operation has been for a long time denied. Capital has turned out to be omnipotent in the face of defenceless labour. It has been followed by indisputable abuses, and enormous fortunes have been realised by capitalists who certainly had less right than their workmen to possess profits which, after all, are really common.

But a well-marked evolution tends to give more and more solidarity to capital and labour. The sharing by the workmen of profits, and co-operation in every form, seem little by little to be making of each labourer a small capitalist interested both in the rise of wages and the increase of dividends.[2]

We may foresee that unions will assume such dimensions that the struggle between the representatives of capital and labour will be regulated in a manner which will tend to become more and more pacific, when we take into consideration the respective strength of the two parties.[3]

[1] Marx, *op. cit.*, chaps. xxxi., xxxii.—TR.
[2] Marshall, *Principles of Economics*, pp. 366-368.—TR.
[3] Mackenzie, *op. cit.*, p. 324.—TR.

108. *Collective Sentiments.*

As has been already pointed out on many occasions, the first sentiments which developed in humanity took in general a religious form; and in most cases to these were added before a long period had elapsed the æsthetic sentiments, the development of which was encouraged by the festivals, the games, and the ceremonies that have always been held in honour among all races.

Given the social homogeneity already indicated, it is not surprising that common sentiments have had an incomparable degree of vivacity and energy, have united consciousnesses, and given to collective manifestations their practically unanimous support. Fanaticism with its explosions of hatred against heterodoxy was the consequence. And as the social sentiments make but one whole with the religious sentiments, we can imagine the power of the priests associated with that of the chiefs, or that of the chiefs, the magistrates, and patriarchs, who were invested with a religious character. The morals established by religious authority, or sanctioned by it, could not fail to be perpetuated. The faithful observation of ethico-religious prescriptions assured in addition the welfare of the race, thanks to the fundamental hygienic, moral, or political character of those precepts, stamped as they often were with the marks of great prudence and lofty wisdom. The worship of the totem, respect for objects tabooed, have had, and we cannot ignore the fact, a useful purpose in general civilisation.[1]

[1] Lang, *Custom and Myth*, pp. 245-304; Letourneau, *op. cit.*, pp. 273-275; Chamberlain, *op. cit.*, pp. 309 *et seq.*—TR.

To the vivacity of the social-religious sentiments was due the profundity of the æsthetic sentiments, which, at the outset, in the case for instance of the Hindoo, Egyptian, Greek, and Christian civilisations, were affirmed in so imposing a fashion.

109. *Differentiation of the Primitive Sentiments.*

The dissolution of the primitive religious sentiment broke the bond which united theology, with all its paraphernalia of magic, sorcery, astrology, and medicine, to politics, art, and science.

The history of the development of the artistic and scientific sentiments, is that of universal civilisation, often interrupted, and often resumed by the different races which have successively taken their place at the head of humanity. It is easily proved that religious fanaticism disappears progressively in proportion as a race advances in the way of civilisation; that the art of that race ceases to aim at the sublime, and becomes more attached to beauty and grace; and that the love of science and the worship of truth increase at the same time as the sentiments of sociability.

The development of the scientific tendencies and of sociability characterises our own age. We may therefore foresee a progressive diminution of politico-religious hatred, which is simply a survival of time past; a new orientation of art, saturated with generous, altruistic, and *social* sentiments, and a considerable extension of the domain of knowledge, as well as of the sphere of social work, institutions of solidarity, of mutuality, of political organisation, etc.

110. *The Evolution of Sociability.*[1]

Although the term "sociability" adequately indicates an individual tendency, it is too vague to indicate the complex factor which seems called upon to play a preponderant part in the near future. For an accurate conception of the idea we must consider its evolution.

The constraint exercised in primitive times by the "social conscience" on the individual conscience, is not only shown by obedience to chiefs, to priests, and to political power, but also, as we have seen, by the constant disposition of all individuals to submit themselves to a common rule, to adopt the morals, the fashions of thought, speech, and action which custom and tradition have determined. It is also this constant and natural disposition which made from the outset the power of the collective will so great. It may be explained by a kind of instinctive sympathy or spontaneous imitation, which by its promptitude of diffusion very quickly gives necessity and generality to a fashion, a custom, or a social type. Such an aptitude is the point of departure of sociability.

But when the power of collectivity appears to the individual already considerably weakened, a new kind of social sentiment must necessarily make its appearance. The individual is adapted for life with his fellows, no longer by a restraint of which he is unconscious, but by the development of a generous tendency which is favoured by life with weaker beings. In the absence of this tendency, the division of social

[1] Spencer, *Principles of Psychology*, Corollaries, V.; *Principles of Sociology*, chap. vi.—TR.

labour, as M. Durkheim has shown, tends to substitute progressively for the "mechanical solidarity" of the first stage, an "organic solidarity," that of conscious elements which are mutually complementary, and have a clearer and clearer notion of the services they render, and of the services that are rendered to them; such that they cannot live without the help of others, although they are conscious that they are rendering to others valuable services; such that they cannot develop and be happy unless their environment is in process of development, and in possession of relative happiness.

Industrial progress, closely connected with scientific progress, can therefore only develop a new sociability near akin to the sentiment of fraternity and the spirit of sacrifice.

As Spencer pointed out,[1] for sympathy to attain its full development in the human race, the keenness of the struggle for existence must decrease, first between individuals, next between restricted communities, and finally between nations and races. Now the most complete adaptation of men to the conditions of existence imposed upon them by nature and social evolution gradually eliminates the causes of strife. The extension of means of communication, the incessant mingling of different kinds of collectivities, the necessity for numerous and different associations, the co-operation which is imposed on every domain of activity, bring natural sympathy every day into contact with fewer obstacles, and enable a generosity, which at first is feeble and intermittent, to affirm itself with increasing energy.

[1] *Principles of Psychology*, Coroll. V., conclusion.—TR.

III. *The Religion of Humanity and of the Unknowable.*

Can we believe in the near approach of a religion of humanity as a substitute, according to Comte, for every form of worship of the invisible divinity? Will human fraternity ever become equivalent to a religious sentiment? Spencer foresees a development of this lofty sentiment which will no longer permit us to attribute to the divinity low or vicious tendencies, and an intellectual development such that the clumsy theological explanations that have been formerly accepted without a murmur will no longer be accepted by any one, and therefore he forsees a purification of religious conceptions rejecting the anthropomorphic characteristics attributed from the very first to the Supreme Being. But Spencer is far from supposing that a confusion is possible of the Supreme Being with the "Great Being, Humanity." He believes that in the most primitive religion there was already a part of truth, to wit, that "the power which manifests itself in consciousness is but a differently conditioned form of the power which manifests itself beyond consciousness."[1] The mysterious force, the Unknowable, would thus be the God of the future, agnosticism would be the religion of the future, the product of the intellectual development, and of the evolution of sentiments.

"Those who think that science is dissipating religious beliefs and sentiments seem unaware that whatever of mystery is taken from the old interpretation is added to the new. Or rather, we may

[1] Howard Collins, "Summary of Spencer's Philosophy," *Principles of Sociology*, p. 511.—TR.

say that transference from the one to the other is accompanied by increase, since, for an explanation which has a seeming feasibility, science substitutes an explanation which, carrying us back only a certain distance, there leaves us in the presence of the avowedly inexplicable."[1]

Spencer takes but small account of the evolution of the social sentiments and of their influence on the religious conceptions of the greatest number. M. Fouillée would seem to foresee, and rightly, the approaching predominance of altruistic tendencies, and of a spirit of social reform, of a kind of perhaps rather mystical philanthropy, in the religion which is destined to attract the favour of the multitude. Without going so far as to suppose that people will make of Humanity their God, Humanity being either far too abstract to be clearly conceived, or far too concrete to be idealised and to respond to the unceasing craving for the mysterious, we may admit that religion will become more and more impregnated with sociability, and that the considerable influence represented by ecclesiastical authority will be placed more and more at the service of concord and social peace.[2]

112. *Sociological Anticipations.*

We have separately examined the data of sociology as to the past evolution of the principal organs of social life, and we have thus indicated briefly the foundations of sociological anticipation of which we must now gather together the essential features.

[1] Howard Collins, *loc. cit.*, p. 512.—TR.

[2] *Vide* Mackenzie, *Social Philosophy*, pp. 324-327.—TR.

Thus we may form a conception as objective as possible of the condition and the tendencies of that society in the midst of which we live and act, as far as we can, in harmony with our environment.

1. The evolution of the family tends to the disappearance of the arbitrary power of the father and husband; the family ceases to be a rigorously close community, its elements are dispersed and acquire more independence, both from the mechanical and from the judicial points of view.

2. The evolution of political life tends to the suppression of caste, of oppressive hierarchies, and illegal constraints; authority becomes organised, the conflict of classes lessens, and ideas of equality are propagated; the law of contract takes precedence of the criminal law, and distributive of repressive justice; the governmental function becomes more and more a magistracy, which exercises its action in all directions in order to prevent injustice and the abuse of power which is too often committed by restricted communities. The State tends to increase the extent of its rights and its functions, and at the same time accords to the individual more liberty.

3. Economic evolution takes place in the direction of the free association of workers and their grouping into more and more powerful unions. Division of labour increases the industrial power of humanity: it frees the individual by giving him technical worth, and by assuring him a share of the property that is the result of his work.

4. The evolution of sentiment is effected by the transition from political or religious fanaticism to a

more informed and salutary sociability, thanks to the progress of science, which, as it spreads, develops more and more the love of truth.

Can we, then, give a synthetic unity to these multiple tendencies? Can they co-exist, and if so, how far? This is what we have now to inquire; for the conception of the social Ideal cannot be arbitrary, it cannot be far from reality, and from what we foresee it can only be realised as complete co-ordination is attained.

Let us notice in the first place that a general tendency emerges very clearly from our separate inquiries; *social evolution* in its totality tends to make of the most civilised man a being more and more *free*, under the control and the protection of an authority organised to support the reign of law by suppressing all despotism; it also tends with the help of his fellows associated with him in different groups to make him realise the greatest solidarity, and to develop the highest social sentiments. Does not this tendency furnish us with the direct principle of a rational construction of the social Ideal? Are not *individual liberty* and *solidarity* two relatively antithetic terms that we have now to reconcile?

III.

THE SOCIAL IDEAL.

113. *Individualism and Altruism.*

SOME contemporary moralists exalt the individual to the extent of forgetting society, and others preach a love of man which is equivalent to in-

dividual renunciation. On the one hand, extreme individualism issues in social and moral anarchy; on the other, an exaggerated altruism arrives at conclusions which are equally fatal to social life. It will suffice to contrast two moral theories equally in favour with the literary public of our own time. They are, perhaps, unequal in scope, and their success may well be ephemeral, but at least they are worth taking as examples, representing as they do two tendencies which the moralists must some day take into account—the theory of Nietzsche and the theory of Tolstoi. Nietzsche is the apostle of strife, of force, and individual greatness. Tolstoi is the apostle of love, peace, gentleness, and humanity.

114. *The Over-man.*[1]

The basis of Nietzsche's doctrine is the conception of the *Uebermensch*,[2] a product of this life, which without an evolution towards a determinate end must always "be surpassing itself," and which only offers peace to mortals as a "means to further warfare." To Nietzsche, war is an instrument of progress, just as to Darwin the struggle for life was the principle of the perfection of species. War ends in the elimination of the less fit, and in the advancement of the victorious to the dignity of *Uebermensch*, created to lead a flock of slaves, to give direction to life, to establish a scale of values, a hierarchy of property. "The true philosopher," says M. Lichtenberger, "is the

[1] *Vide* Fouillée, "The Ethics of Nietzsche and Guyau," *International Journal of Ethics*, October 1902, pp. 13-27; Maurice Adams, "The Ethics of Tolstoi and Nietzsche," *op. cit.*, October 1900, pp. 82-106.—TR.

[2] "Over-man."—TR.

genial poet in whose mind is formulated the table of values in which each man of a given epoch believes, and which therefore determines all his acts. . . . His vision is nothing but the supreme law which receives its impulse from past generations. . . . He creates in complete freedom and independence, careless of good or evil, of truth or error; he creates *his* truth, he creates *his* morality."[1]

"I teach to you the *Uebermensch*," said Zarathustra to the assembled people. "Man is something which must be surpassed. . . . The *Uebermensch* is the *raison d'être* of the world."

With this conception of a moral ideal is connected that of a whole social system. The masters, the creators of values, play on the earth the rôle of supreme legislators, of gods; thereby they assure the happiness of their slaves, who are but moderately intelligent beings without a will, vowed to obedience, who must have a secure existence free from responsibility and care, who are quasi-animal in their humble self-contentment (born of the illusion that there is an order of things in which they are playing a useful part). Between the masters and the slaves are the warriors, the guardians of the law, governors, kings, organs of transmission whose duty it is to carry out the wishes of their masters, the real rulers. The hero, the sole sovereign, the master, is not happy: his duty is to ensure the happiness of inferior beings, and he must attain the supreme degree of pain. He must therefore "endeavour to bring into contact at the same time his supreme pain and supreme hope." Pessimism and melancholy cannot abate his courage; "he ought on the contrary to learn divine laughter,

[1] *La Philosophie de Nietzsche* (4th edit.), pp. 152-153. Alcan, 1900.

and try to surpass himself in laughter and in the dance. That is the supreme advice of *Zarathustra*."[1]

This fantastic being who "sanctifies laughter" experiences neither remorse nor pity. "This is the new law, brethren, that I give you: be pitiless." Pity is the last sin to which *Zarathustra* is tempted. But while the God of the Christians died in his wish to sound the wicked depths of the human soul, and while he suffered from the shameful vices of his fellows, the God of Nietzsche has assured his triumph by respecting great misfortune and ugliness, and sparing it his pity.

115. *Sacrifice of the Unfit.*

"To spare future generations the depressing spectacle of poverty and ugliness, let what is ripe for death die; let us have the courage not to help those who fall, but to push them farther, so that they may fall the quicker. The sage ought not only to be able to bear the sight of the sufferings of others, but he ought to make them suffer without troubling his head with the idea of the tortures to which they are subjected. . . . Who would attain greatness if he did not feel the power and the will to inflict great suffering?"

The naturalistic idea of the struggle for existence has never been more vigorously pushed to its extreme consequences. No doubt Spencer had sketched the process of "all those agents who, undertaking to protect the incapable taken as a whole, do incontestable harm, for they check the work of natural

[1] Lichtenberger, *op. cit.*, p. 159.

elimination by which society is continually purged."[1] But Spencer had admitted the good effect of individual altruism; he did not imagine, as did Nietzsche, an *élite* charged with the duty of annihilating as rapidly as possible the mass of unfortunates who are made unfit for the struggle for existence by their incurable infirmities or their natural weakness.

No doubt the ferocity of the master, the disciple of Zarathustra, is simply frightful to our moral conscience, fashioned, it is true, by several centuries of that Christianity which Nietzsche abhors. Our hearts are weakened, and we have spent ourselves for a "morality of slaves." Under the pompous name of "the religion of human suffering" would be hidden on the one hand a decrease of vitality, an "ignominious mediocrity," and on the other hand the desire to give oneself an easy triumph through the sentiment of pity.

"We do good to others just as we do ill to them, simply to give ourselves the feeling of power, and to submit them in a measure to our domination. The strong man of noble instincts seeks his equal to struggle with him. . . . The weak on the contrary will be content with inferior prey. The pitiful man is sure to meet with the minimum of resistance, and to reap a success with the minimum of danger to himself."[2] And so, in the mind of Nietzsche, pity covers with a deceitful veil both pride and the selfishness of an inferior being without a spark of generosity. Pity appears to him, as it did to Spinoza, a depressing passion, which, by adding to the evils which

[1] *Vide* "The Sins of Legislators" in *The Man v. The State*, passim; Ritchie, *Darwinism and Politics*, pp. 28 *et seq.*—TR.

[2] Cf. Lichtenberger, *op. cit.*, p. 121.

are the lot of each the share that each takes in the evils of others, increases the sum-total of suffering in the world, and thus comes into conflict with a generally admitted principle—that progress should tend to a constant increase of the sum-total of happiness.

Nietzsche points out the danger that humanity would run by over-indulgence towards certain forms of suffering, by the excessive development of a sensibility which would be apt to become morbid. There is an unhealthy sympathy against which men must become fortified, a sympathy displayed by neuropaths for beings whom a little severity would cause to raise themselves, to pluck up courage, and to become useful once more to themselves and their fellows. The religion of suffering may serve as an excuse for many of these weaknesses, and Nietzsche has stigmatised "that great volume of pity which is so remarkable at the present time" as a manifest index of an increasing fear of that suffering without which nothing great can ever be done. "It is in the school of suffering and of great suffering—do not you know it?—and it is under this hard master alone that man has progressed. You would like if possible to abolish suffering. As for me, I should like to see a harder and worse life than there has ever yet been." In reality, Nietzsche wants man to be stronger than he has ever been, to be triumphant over suffering, and to raise himself to happiness by a really manly struggle, and this part of his doctrine lacks neither beauty nor depth of thought.[1]

[1] Cf. Havelock Ellis, "Nietzsche," *Affirmations*.—TR.

116. *The Gospel of Tolstoi.*

How different is this to Tolstoi! "The gospel of Tolstoi," says M. Darlu,[1] "differs but little from that of the *Companions of the New Life*, assembled at Boston by Thomas Lake Harris a quarter of a century before.

"However, it seems that these noble ideas of pity, charity, and pardon have never penetrated so deeply into the human heart since the days of Christ. They have impressed on our sensibility an almost painful vibration." Tolstoi has, in fact, attempted a renaissance of Christianity, while Nietzsche was raising his voice with energy against "a morality worthy of slaves."

What seems to me the culminating point in Tolstoi's theory is his fourth commandment from the Gospels.[2] "Evil must not be resisted, but, on the contrary, we must bear with every insult, and even do more than is required of us. We must not judge, nor must we have part or lot in any legal judgment, since every man is himself full of faults, and has no right to teach others. By taking vengeance we teach others to avenge themselves."

The consequences of this commandment are by non-resistance to evil and injury, the suppression of the whole military and judicial apparatus; by the refusal to take part in a lawsuit, the negation of law and of every judicial institution. No army, no State, no Church, no means of coercion, even with respect to moral persons; humanity forming a whole, "living in constant contact with nature and at work —that is to say, under the very conditions that are

[1] *Op. cit.*, p. 33. [2] P. 72.

necessary to peaceful happiness,"[1] the abandonment of all the conquests of a civilisation which is detestable from its moral results—that is the social ideal conceived by Tolstoi, corresponding to his ideal of individual life; happiness in the "sympathetic and free" labour of the fields, in family life, and in the free and benevolent relations of all mankind.

117. *Renunciation.*

Tolstoi is the enemy of every tendency that may awaken jealousy and lead to strife between man and man, and that is, no doubt, why he condemns the sexual instinct, while glorifying family life. "Love," he says in his little work, *The Relations between the Sexes*, "from all that precedes it and follows it, and in spite of all our efforts to prove the contrary, both in prose and verse, never does and never can give the means of attaining an object that is worthy of man; it is, on the contrary, an obstacle to that end, . . . and reason shows us that continence is the only solution. . . . Now let us suppose that chastity, the Christian ideal, were realised: what would happen? We should find ourselves in complete agreement with religion and science."

No doubt Tolstoi, later on, somewhat moderated this rather bold statement. He admitted marriage as a consequence of the "first common fall, considered as an act of for ever indissoluble marriage," but on the especial condition "that no one is harmed thereby." Thus he presents to us the Christian Pamphilus confessing to the pagan Julius his deep affection for Madeleine, but at the same time men-

[1] Kovalevsky, "La Morale de Tolstoi," in *Morale sociale*, p. 176.

tioning the obstacle which, until then, had prevented him from carrying his project into execution. "A young man of my acquaintance is also in love with Madeleine. He is a Christian; he loves both of us tenderly, and I shall never consent to cause him pain by robbing him of every hope. Perhaps I shall marry later when I am quite convinced that no pain will be caused to any other person."[1] Such a renunciation of love in the presence of friendship would have nothing surprising about it if it were merely a question of an exceptional case, in which friendship happens to be stronger than love. But Tolstoi claims to lay it down as a constant rule, by treating as brothers all those who place far above the satisfaction of individual appetite a good understanding, reciprocal confidence, and the common peace.

And just as he has sacrificed sexual love to the love of humanity, Tolstoi sacrifices every economical and political organisation to the ideal of peace. He dreams of a patriarchal life from which all commerce has disappeared, in which the use of money is banished even for the purpose of almsgiving. "Every use of money, whatever it may be, is only the presentation of a bill of exchange drawn on the poor, or the transmission to a third person of a bill of exchange to enable him to pay the unfortunate." Alms will never cause poverty to disappear: work alone can do that.

"I ought to deprive the unfortunate of the work that they do for me, either by not having it done for me at all, or by doing it myself."[2] I ought to renounce every luxury, everything that is superfluous,

[1] *Pamphile et Julius*, pp. 95-100.

[2] Tolstoi, *Que Faire?* pp. 243-249.

to live the common life with the utmost frugality, amid the riches of nature, and, as M. Gide puts it, in a "homogeneous and amorphous" society.

Tolstoi is, in fact, the enemy of modern science and art. "The sciences ignore the questions of life. . . . Science and art have failed in their mission. . . . Supreme wisdom has other bases than the human intellect and science."[1] His philosophy is in the highest degree a philosophy of reaction with respect to all scientific and industrial progress. It is that of a peasant who has made a praiseworthy effort to understand and to practise primitive Christianity under its rudimentary form of love for humanity. It has ignored social evolution and the craving for justice, which is affirmed with increasing energy in the conscience of the humblest.

118. *Consequences of Non-resistance to Evil.*

The dogma of non-resistance to evil is, no doubt, that against which our natural tendencies most vigorously protest. We might renounce industrial progress to the benefit of our lives, and renounce it the more easily, inasmuch as, since our needs increase with the resources that are necessary for their satisfaction, we are not really more happy from the material point of view than men would be who live the frugal life of the fields. But we cannot give up scientific and artistic progress, which affords an ever-increasing satisfaction to our insatiable desire to know and to feel.

It is not in man's nature to be temperate in the acquisition of knowledge as he is temperate in food

[1] Tolstoi, *Pensées choisies*, par Ossip Lourié, pp. 109-112.

or drink. Intellectual pleasures differ from the pleasures due to the satisfaction of the nutritive and sexual instincts, inasmuch as one is never tired of them, and they do not arise so much from the periodical satisfaction of needs that are being periodically re-awakened, as from a sustained interest and a permanent tendency which is never weakened.

Intellectual pleasures, therefore, constitute a benefit due to civilisation—a benefit we expect to increase as civilisation progresses. The cause of civilisation must be defended against every factor of reaction. It is not so much our individual rights as the rights of humanity that must be safeguarded against those who, being in the midst of humanity, might disregard them.

Non-resistance to evil would have taught our ancestors submissive resignation to the worst type of brigandage; it would have placed inferior races in complete subjection to superior races, and thus would have irreparably compromised the future of humanity. No doubt we may try to substitute a state of peace for a state of war, we may try to substitute an *entente cordiale* and reciprocal good feeling for the violent claiming of rights which are too strictly enforced by some to the detriment of others. Man tends to have less recourse to violence, and to substitute arguments for blows, as he becomes more civilised, more fit to use his reason.

Violence is bad, both because its triumph is often opposed to reason and because with the appeal to violence evil is multiplied. But blind love and the renunciation of rights are not without dangers.

In many cases to give up a right is to make it im-

possible to accomplish a duty. The man who is so fond of his fellows that he does not wish to cause them pain, will be found in many circumstances to be compelled to cause pain to one person in order not to cause it to another, and if he abstains from action he may cause pain to both. If he must choose between the pain he will give to his wife, or his son, or his brother, and the pain which he may give to one of his fellow-creatures—perhaps almost unknown to him—will he not be violating his family duties if he prefers the happiness of the unknown to the happiness of his relative, although charity may perhaps command him to serve the interests of the unknown and to sacrifice those nearest and dearest to him?

To abstain from criticism is to abstain from conflict; it is to give up what perhaps is the finest element in human activity—the struggle for what one considers to be good, the defence of the good against the evil. Such renunciation must be due to fundamental apathy or to great discouragement. At a time when it is so difficult to practise tolerance, Tolstoi comes and asks us to carry to an extreme a virtue which we barely possess. And then, when we want so many different stimuli to move us to action, Tolstoi takes them away from us and asks us to regard life with the eyes of a man who is dying. In fact, the man who is dying is the only man who has not to take thought for the morrow, who may be called upon to return good for evil, for he need not trouble himself to know whether in acting thus he is favouring the evil at the expense of the good, and injuring the cause which he professes to serve. Or rather, he is no longer serving any cause; his

detachment from the things of this world is complete. He thinks of nothing more but how to lead a holy life, such as one would lead in a world of good will.

119. *The Necessity of Conflict.*

Unfortunately, perhaps, the man who wishes to live, and whose philosophy is, to use the expression of Spinoza, a meditation on life rather than a meditation on death, ought to prepare himself for triumph and to assure the triumph of his cause. From the moral point of view, the important thing is that his cause shall be a good one. From the psycho-sociological point of view, the inevitable thing is that he is serving a cause, and that he is exercising on himself and others an inhibitive power, the rôle of which is at least as considerable as that of positive activity.

Nietzsche has therefore taken human nature and social requirements into fuller account than Tolstoi has done, if, that is to say, Tolstoi has really attempted to take them into account at all. The morality of full vital expansion, which is exactly the same as Guyau's, has been correctly brought into relation with that of the *Uebermensch*, a morality which only aspires to give life its full significance, and which is the enemy of all mysticism and pessimism.[1]

"Above all," says Nietzsche, "you must see with your own eyes where there is always the most injustice, that is to say, where life has its meanest, most restricted, most impoverished, and most rudimentary development, and where it can do nothing but take itself as the end and measure of things,

[1] "The cancer," as Nietzsche says, "of the old ideals and heroes of fiction," p. 13. Preface to *Menschliches, Allzumenschliches.*

where it can only grumble, and in a secret, petty, and assiduous manner, question, from the love of self-preservation, what is noblest, greatest, and richest—you must see with your own eyes the problem of hierarchy, and the way in which power, justice, and width of perspective increase in proportion as we become elevated."[1]

But if Guyau tells us to live with the utmost possible intensity, Nietzsche adds:—Live in your own way the higher life you have chosen; be your own judge and a free man; be a creator of values by establishing at first in your own mind a hierarchy of social values, as you understand them, by realising them afterwards in the face of every obstacle, by throwing into subjection the low herd of the humble who cannot determine for themselves, and by entering into conflict with other free men, your equals, who are likewise creators of values.

120. *Despotism.*

"You must become your own master, the master of your own virtues. Once they were your masters, but they have no right to be anything but your tools on a par with other tools."[2] The *Uebermensch*, then, is above the moral law; it is he who makes the law; upon him, a new Leviathan, depends the conception that the whole of a faithful people forms for itself of good and evil, of virtue and vice.

The subjective nature of moral ideas is thus clearly proclaimed, and the most surprising part about it is that their subjectivity does not lead us to moral anarchy. M. Fouillée, asserting that doubt is possible

[1] *Op. cit.*, Part I. Preface, p. 15. [2] *Op. cit.*, p. 14.

as to the real hierarchy of the good, concludes therefrom a wide tolerance, a perhaps excessive extension of the rights of the individual in matters of belief and action. The French philosopher even extracts quite a system of morality from this rather negative principle. When in doubt, abstain.[1] In it he sees the origin of individual right, of liberty, of moral respect, and therefore of duty. Max Stirner[2] (Caspar Schmidt) exaggerates these consequences of subjectivism, so far that he will have nothing to do with liberty that is granted. True liberty, he says, is what is taken. And thereby he closely approaches the conception of Nietzsche, for admitting no master, no law, nothing superior to the individual, he advises his hero to "desecrate" everything that religion and morality have consecrated; to have none of the prejudices of his age, none of the weaknesses of his so-called fellow-creatures with respect to civilisation, the State, the Church, the city, and the family. The individual, like the *Uebermensch*, makes his own law, and treats other men not as ends, but as means and instruments.[3]

The views of Nietzsche are more complete than those of Stirner, so far as politics are concerned. Those of the latter lead to anarchy; those of the former to a narrow subordination of the inferior to the superior caste, of the plebs to the nobility, through the clergy, army, and government. The classical conception, notably that of Plato, thus finds in

[1] But cf. "Les concessions à l'absurde . . . peuvent être parfois nécessaires," etc. Fouillée, *La Morale de Guyau*, chap. viii. p. 180. —Tr.

[2] *Der Einzige und sein Eigenthum.* Leipzig, 1845.

[3] Zenker, *Anarchism*, chap. iii.—Tr.

one of our contemporaries a new interpreter, but with this difference, that while Plato believed in an objective ideal, and a world of Ideas serving as a model for the wise man, the simple instrument of divinity, Nietzsche wants his wise man to be really an original legislator and creator. It is no longer, then, the Good Shepherd, the representative of God on earth, whom he proposes for our veneration; he gives the whole direction of life to the aristocracy formed by independent thinkers, not because they are wise, learned, and prudent, but because they are strong and audacious, and because their will is brutally imposed and becomes law.

To the question that is so often asked—whether might is right—Nietzsche replies with Hobbes and Spinoza that might is the source of right.[1]

"Justice originates among men of almost equal power. Where there is no power clearly recognised as predominant, and where conflict would only cause reciprocal and futile injury, we have the origin of the idea of discussion and agreement on the claims of both sides. The character of the exchange is the initial character of justice. . . . Justice is a compensation and an exchange on the hypothesis of almost equal power."[2] Here, then, is clearly expressed the thesis of right based on might and the reciprocal neutralisation of contrary forces. "Unusquisque tantum juris habet quantum potentia valet."

Nothing is more disconcerting to the reason, unless we admit the Spinozist doctrine which gives power to a being in proportion to his rational value.

[1] *Vide* Austin, *Jurisprudence*, pp. 272 *et seq.*, Note v., p. 284, Lecture vi., and cf. Prince Kropotkin, *Mutual Aid*, pp. 76-78.—Tr.

[2] *Menschliches, Allzumenschliches.*

But the might that was in Spinoza's mind differs totally from brute force as conceived by Nietzsche. The former can never be overcome unless it is *reasonable* that it really should be suppressed; the latter can always be suppressed by a blinder, more irrational, and still more brutal force. And it is exactly this oppression of intelligence by a brute force, of reasonable man by an unreasonable brute, which is hateful to us, and revolts our tendency to the subordination of the unintelligent to the intelligent. That is why we seek for the law another foundation than violence or the equilibrium of forces which are ready to break out into mutual strife.

121. *The Meek.*

It may well be that those who physically were the weakest may have had from time to time in greater measure than the strong the desire of seeing morality and law opposed to violence. Is that a reason for claiming that the theoretical rather than the practical realisation of their desire has endowed us with a "morality of slaves," satisfactory only to the meek, to those with feeble will, and to characters of inferior temper?

Slaves really servile have never had the slightest tendency to contrast their rights as men with the power of their master. True slaves are those whom Aristotle so admirably depicts,[1] happy in their servility, with no depth of thought, no inclination for the life of free men, ever requiring to be guided, sustained, and ruled.

Nietzsche perhaps was not wrong in his desire

[1] Cf. *Politics*, vol. i. pp. 5, 13; *Economics*, I. 5. TR.

that masters should provide for the happiness of these servile souls by maintaining them in obedience, and imposing upon them the conceptions of free men. There is surely some exaggeration in the conception, born with Christianity and developed by the success of modern democracy, of a humanity in which all individuals have equal rights, equal aptitudes for self-government and for the determination of the destinies of all. Ideas of equality, although they appear generous, are sometimes utopian; and, in fact, we see in the most democratic masses a real subordination of those whose minds are servile and whose intellect is feeble, to those who lead them, whether by right or by sheer audacity.

Demagogic manners and morals are not likely to give to lofty spirits lasting and deep tendencies to an effective recognition of the equal rights of all men. They betray too much hatred in the many with respect to the limited and selected few, too much levelling down in spite of considerable inequalities, and they incessantly make us dread a regression of humanity towards the forms of inferior civilisation, for what dominates and most easily directs the crowd is what flatters the meanest instincts of the multitude.

And it is in this way that aristocratic tendencies arise in superior minds through a reaction which, perhaps, is instinctive, but to which reflection and reason give both foundation and support. The Christian ethics which loom so large in the eyes of the meek and the poor in spirit lack moderation in their glorification of the inferior man. It has rightly recalled to each of us his duty of humility, and has changed instinctive

and spontaneous sympathy into love, into a sentiment of fraternity which surpasses the bounds of the city or the State, and which is lavished on the whole of humanity. The exaltation of the natural love of the animal for his congeners, of man for his fellows, cannot be lightly blamed; but there is another human sentiment, a sentiment too elevated to appear in the brute creation, and one which it seems quite lawful to develop—that of respect for worth, of respect increasing with worth in proportion as the stages of a social hierarchy are ascended.

122. *The Aristocracy.*

If man had not been led by his nature to consider in different pleasures and in different forms of good the objects of his desires, so many stages in a hierarchy of values, he would have never deliberated, never have chosen, never have willed; if pleasures had only presented to him quantitative differences, he would only have tried to accumulate them, and to juxtapose them one with another in the course of his existence. But, in reality, the idea of the best has been from all time the directing idea of his conduct, even when his appreciation has been at fault.

Social evolution shows us the considerable rôle played by this idea of the best in the organisation of common life. There is no State without a hierarchy; nowhere is the crowd homogeneous, everywhere are chiefs, more or less temporary, elected or hereditary, springing from the ranks of the people or from a caste closed to the multitude; even in our own days and in countries with demo-

cratic customs there are governing classes and other classes which aspire to become the governing class. These are commonplaces of history and observation. At all times and at all places there has therefore been a social hierarchy, and the effective sovereignty of the strongest proceeds in most cases from what has been considered, from a given point of view, the *best*. This point of view varies: here it is the best soldiers, there the best orators, elsewhere the best merchants, the notable manufacturers or landowners; but everywhere it is the men who occupy, or are considered to occupy, the summit of a scale of social values.

Nietzsche requires the masters to be those who have established this scale of values, and who have imposed it upon the popular credulity; but history shows that the scale of social values is prior to the conception held of them by the men who are at the summit. Napoleon could only create a factitious nobility, an ephemeral hierarchy, although he reached the summit of human greatness. The will of a man, however powerful he may be, does not very deeply modify the tendencies of the multitude. The hypnotised crowd may for a moment follow its magnetiser, but the hypnosis is of short duration, and the successes of the *Uebermensch* are ephemeral.

The social evolution is not at the mercy of the caprice of genius; very rarely indeed are the tastes of genius those of the crowd; the hierarchy of values admitted by men of talent and science is not that admitted by the people.

Is it necessary to remember that the man of genius, the saint, the prophet, the man inspired, the tribune, affect social evolution only in so far as they are

products of that evolution; and that, so to speak, they are inserted in a series of factors of the collective future, not to oppose the other forces, but to accelerate their action, and precipitate or retard events according to circumstances? Is it necessary to repeat once more how simple is hero-worship, and how powerless is even the strongest human will to modify the natural course of events? If Socrates, Jesus, and Mahomet had not made their appearance at the "psychological" moment, would they not have been considered by posterity as visionaries, madmen, or at least as eccentric? Because they had a place marked out in advance for them at the very centre of events, and because their influence radiated over a part of the world, each was a *Uebermensch*, not because humanity responded to his appeal, but because he in some measure responded to the appeal of humanity.

And so, when Nietzsche asks us to recognise as the supreme ideal his hero, the creator of a scale of values, his suggestion is impossible: it is contrary to the teaching of sociology and history.

Individuals do not modify their environment so much as their environment modifies and governs them. The freest man, the man who is most determined to act according to his own whim, is still, in spite of it, unconsciously a product of his own age and of his own country. He unconsciously obeys collective tendencies and common prejudices against which he often cannot react because he does not suspect their existence.

123. *Importance of the Theory of Rights.*

The morality of Nietzsche is as unacceptable as that of Tolstoi; both are too much *a priori*—the one a morality of abnegation, the other a morality of might. Both abnegation and might only have moral value according as they either of them serve a superior and well-defined interest. Renunciation for the sake of renunciation, and might for the sake of might, are not the mark of a reasonable being. We must know how to sacrifice ourselves, or how to strive for a social ideal. Nietzsche's *Uebermensch* could only become a moral being by agreeing to fulfil duties corresponding to his power; he had not so much to create a hierarchy of values as to subordinate the order of social values to the order of social duties.

It is, in fact, on the theory of the rights of each individual in society that the doctrines of Nietzsche and Tolstoi come into their most radical conflict; here both lack a solid foundation. This fact is a sign of the importance which we should attach to the organisation of individual and collective rights in the ideal society.

IV.

RIGHTS.

124. *The Foundation of Rights.*[1]

LIBERTY, in the positive sense of the word, is Right. We have not the liberty to dispose of what we have the right to possess; we have only the liberty to do what we have the right to do; all other liberty is only provisional, precarious, and is not moral because it cannot be claimed. The increase of liberty obtained in the course of evolution is therefore an increase of individual rights. But on what foundation do these rights rest? Are they simply granted by the community to the individual, by an arbitrary decision of the State, or of the power acting in the name of the community? If they are granted without due reason, they may be taken away again, even if consecrated by usage. No doubt "customary right" is of the importance that the "historical school" has thrown into such bold relief. Rights which result from morals, from local or district customs, consecrated by the social consciousness which has maintained them for numerous generations, notwithstanding variations and fluctuations of different kinds, run the least chance of abolition; but we discovered in 1789 that they are not protected during revolutionary movements.

We can hardly expect rights founded on fact to be maintained except by force; but force, however great it may be, cannot be assured of indefinite

[1] Austin, *op. cit.*, Lecture XVI., pp. 393 *et seq.*—TR.

supremacy; and besides, as Spinoza pointed out, there is no individual force which will not be inferior to social power.

125. *Natural Right.*[1]

But it has been claimed that there are natural, inalienable, imprescriptible rights, although they are often misunderstood. Such, at the time of the Revolution, was the theory which was inspired in particular by J. J. Rousseau. Man is born free—that is to say, he has all rights, and the only limit set to these rights is the requirement of respect for the liberty of others. If each of us has not unlimited rights, it is because he is not alone in an unlimited world. It is because of the limitations of property and the multiplicity of free beings that the rights which each of us holds from nature are restricted by life in society. Slavery and despotism have been condemned in the name of these so-called natural rights. But, as a matter of fact, the right of nature rests upon the hypothesis of a metaphysical liberty. This liberty may be disputed, for all metaphysical entities have no well-established objective reality, and men in general will always be tempted to ignore such liberty, because for the most part they cannot even imagine it.

To affirm a natural right is to presume to lay down rights *a priori*, and nothing is more dangerous in politics, nothing is more contrary to the scientific spirit.

If our practical conceptions must depend on the highest conception of all—that of a social state that

[1] Austin, *op. cit.*, pp. 344 *et seq* —Tr.

we are obliged to realise in common, ought not the idea of our rights to flow from that of our social duties?

126. *Metaphysical Right and Dignity.*

The Kantians admit the co-relation of rights and duties, and the priority of the notion of duty to every other moral notion; but they generally make the rights of a man depend on the duties that other men have towards him, and notably on the fundamental duty of respecting "eminent human dignity" at all times, in all places, however miserable the bearer of the moral law may be in other respects.[1] Now we know that this "eminent dignity" of which Kant speaks has its apparent reason in the power of duty, and its real reason in the "noble source and the noble origin" of moral obligation, Liberty, the *ratio essendi* of duty. So that we are brought by a detour to rights founded on metaphysical liberty. And as the liberty of each is not precisely fixed, the limitation of individual rights, one by the other, becomes rather a question of fact than a question of morality. It follows that in reality there is in such a doctrine no principle for the effective determination of the rights of each. Besides, in the eyes of Kant moral obligation is indeterminate; therefore the right which is its correlative is none the less so.[2]

127. *Rights of Social Function.*

That it may be enforced is generally considered as the characteristic of a right. The idea of justice is

[1] Cf. Austin, *op. cit.*, pp. 285, 712.—Tr.
[2] Austin, *op. cit.*, p. 713.—Tr.

closely connected with the idea of legal restraint and penal enactment.

I possess a right. Then you must all respect it. That is the current formula. Looking closer, we see that the right is a consequence, an effect and not a cause; that most of the rights that we claim to have respected are not connected with the person, but with the social function that the person is supposed to fulfil, so that if he does not fulfil the function well he has partially forfeited his powers and his liberties.

No doubt there are certain rights common to all men, and attached to the human person in general; but it is worth noting that they are connected with generous impulses, charity, and human solidarity; so that if honourable men could not agree to fulfil what have been called "wide duties," most of the rights of man, *quâ* man, could not be exercised, and would not effectively exist.[1] It is out of "humanity" that we concede to the wretched the right to be pitied and consoled for their misfortunes. But the right to the free expression of his thought, for instance, really only belongs to the citizen who accepts the obligation of not creating disturbance in the State by his wild speeches. Liberty of conscience is not a right of man, *quâ* man, it is a right of the ripened man who has reached a sufficient degree of intelligence and reason, and is capable of fulfilling his duties as a good citizen. It would therefore be important at the outset to have an exact idea of the totality of our social obligations. They are in fact of three types—those imposed upon us by laws or morals, those which result from our

[1] "Duty the basis of right," Austin, *op. cit.*, p. 395.—TR.

functions, and those which are derived from our contracts.

We have already seen that those which are imposed upon us by laws or customs are so intimately connected with those which result from our functions that we can scarcely trace a line of demarcation between the two domains. Every man may consider himself as a function of the social state in which he lives, and his activity as a function of the complete social activity. There is therefore no reason for drawing a lasting distinction between the rights of the citizen in general and the rights of the citizen performing a public function; the two groups can be united in one, that of the citizen fulfilling under every circumstance his social function.

As for the rights which result from the contracts between individuals, they are very clearly derived from the obligations that at least two individuals accept who become "functions" one of the other. In every contract we only acquire rights over others because of our reciprocal duties. It is easily seen that the rights which issue from contract are very varied, and that they do not depend on a moral theory except in so far as they depend on the theory of contract in general. Now the latter, as we have already seen, is subordinate in fact to the more general right that the State claims for itself, to put a check to the liberty of the contracting parties, by obliging them under pain of judicial nullity to observe forms which are more and more rigorously determined. The problem of the right to contract thus raises the problem of the rights of the State over its citizens. But that brings us to the question of the

foundation of rights anterior to all contract, rights founded on the exercise of a social function.

Evolution seems to sanction the increase of importance and independence of the individual in proportion as the division of social labour makes him a more appreciable factor in the common prosperity. History shows that aptitude to possess and to act freely increases with the aptitude to perform obligations corresponding to conceded rights. Under the feudal system the lord had many rights, because, theoretically at least, he had many duties. Until 1789 the eldest son in France possessed all the family property, because he had all kinds of obligations towards his brothers and sisters. Everywhere an exact correspondence tends to be established between rights or powers conceded and obligations imposed. Real equity appears more and more to consist in the inequality of benefits corresponding to the inequality of charges.

128. *Justice and Devotion.*

And so we are led more and more to feel how complex a thing is justice. "Neither the mathematical idea of equality," says M. Tanon, "nor that of proportion, of equivalence, and of reciprocity, nor the idea of harmony and beauty, nor that of the identity and agreement of thought with itself, nor even the wider idea of solidarity—each and all of which enter in some measure into the idea of justice —is its only source; they do not suffice to exhaust its rich and varied content, nor to respond to the warmth, diversity, and force of sentiment that its evocation awakens in the minds of men."

This is because an equitable distribution of rights implies, as we have just seen, a preliminary equitable distribution of duties, and this apportionment on the one hand can only take place in virtue of a general conception of the social system, and on the other hand can only be imposed entirely from without on individuals whose good-will is indisputably a factor of the highest importance.[1]

Obligations which are incumbent upon each of us must certainly not only be accepted, but must be spontaneously sought by the really moral being, to whom we give considerable liberty and initiative. According to the precept, "you can, and therefore you must," the best men feel themselves morally obliged to perform the highest functions that they are capable of performing; and that is why we find at the base of social justice the generous impulse of the man who loves his fellow-creatures, and who works with a relative disinterestedness for the common happiness. It is thus that we find sociability and goodwill.

129. *Justice and Charity.*[2]

Those who have tried to draw a distinction between justice and charity are therefore quite wrong. The sentiments of sociability, and, in particular, the love of others, the generous desire for expansion and well-doing, are the most efficacious motives of determination by which a man agrees to fulfil obligations, or effectively decides to fulfil them. If in the

[1] On the Monadistic and Monistic Views of Justice, *vide* Mackenzie, *Social Philosophy*, p. 134.—TR.

[2] Cf. Mackenzie, *op. cit.*, p. 265.—TR.

primitive forms of social existence the constraint exercised by the collectivity on the individual has played the largest part, we need not therefore believe that this constraint has had to break down effective resistances such as the selfishness developed by reflection or the struggle for existence.

Constraint was always exercised in view of a kind of discipline of the activity, but there was in the primitive social organism, as in the animal organism from its birth, a spontaneous activity, and the spontaneity of the social elements was all in favour of altruistic actions. This was for a twofold reason: in the first place, because selfishness implies reflection on the self, on its own value, and a differentiation of the individuals which thus have different ends and tendencies; and secondly, because the collective sentiments and tendencies, in view of common ends, in consideration of the common good, were originally preponderant in the individual consciousness. Voluntary immolation, the spontaneous sacrifice of personal advantages, and often of life itself, to the interests of the tribe, are proofs of this.[1]

The primitive subordination of individual to social ends, and therefore the fundamental disinterestedness of human nature, seems to us to be established by the indisputable predominance of sympathetic manifestations in the particular course of action of isolated beings. Primitive man has not yet the prejudice of his "eminent personal dignity"; he sees, less for himself than for the whole in the midst of which he does not yet clearly distinguish himself. If therefore he has no merit in being generous, it is equally true that he cannot be the subject of rational approbation

[1] Prince Kropotkin, *op. cit.*, passim.—TR.

or disapprobation on account of his unreflecting generosity.

This generosity is not synonymous with charity: charity implies a clearer consciousness of the moral value of individuals, and a keener desire for the perfection of others. But it has both the spontaneity of the charitable impulse and the specific character of love.

The rôle of the reason and of custom is to regulate further the sometimes capricious course of natural generosity, and for that purpose to provide at the outset against whatever excess may appear in certain impulses. Exactly because liberty of action is restrained, charity cannot manifest itself in all directions. The individual learns to exercise over himself a kind of check, and justice springs from a twofold inhibitive power, one external and the other internal, when increasing individualism involves the selfish consideration of rights. The being, until then devoted to the interests of the community, reflects on his own interests, contrasts the latter with the former, and claims from others the respect due to his rights, while for the first time he recognises in an explicit manner the rights of his fellows to receive from him the services that he formerly rendered them spontaneously.

The law consecrates this evolution of the general conscience, and recognises that respect for certain of the most general rights may be claimed if need be by force; while respect for other and more variable and disputable rights is not guaranteed by it. Hence the distinction which has played its part in classical morality, between "strict duties" or justice, and "wide duties" or charity; as if the accomplish-

ment of certain obligations could be, from the moral point of view, more or less obligatory; as if one could discuss with one's conscience and reason the degree of the moral necessity of certain acts. It should be understood that the distinction is drawn between duties that may be required under all circumstances, and duties which are imposed only under certain conditions; but the latter would none the less be duties as imperative as the others, at certain times, and in certain determinate places.

It is objected that the duties of charity are dictated by the heart; but we have just shown that generosity is the common source of all duties, and we cannot admit that because an impulse of the heart has become a prescription of the reason and the law, it differs fundamentally from the impulse of the heart which may become a prescription of the reason, without being for a very long time to come a prescription of the law. And further, the generous impulses, which alone are ratified by reflection, have a moral value; in a well-organised society everything that reason and generosity combined require the law must tend to demand, in order that the domain of legal obligations and the domains of social and moral obligations may exactly correspond, since there is no reason for their being fundamentally distinct.

To sum up: the origin of rights is the same as that of duties. All rights and all duties are of the same moral importance, and a being possesses no rights but those which he holds directly or indirectly from the obligations which are incumbent on him, either from a social obligation determined by custom and natural evolution, or by his spontaneity as a moral

being, considering labour at the common task as a duty in proportion to his strength, his capacity, and his natural or acquired aptitudes. And so, not being able to claim liberties and possessions except in so far as we claim obligations compelling those liberties and possessions, we have an exact idea of our rights from the exact idea of the duties which we consent to fulfil.

130. *The Right of Property.*[1]

No right is more interesting than the right of property. By what has been just said this right is the free disposition of suitable means for the fulfilling of a duty. To what duty corresponds what has been called "the right of the first occupant"? This so-called right is that of the chiefs who have divided among themselves a territory; that of the farmers, shepherds, hunters, fishers, who have taken possession of a more or less vast tract of soil; that of the nations who occupy by means of their explorers uncultivated and uninhabited territories. It is not enough to say, as the Kantians[2] and individualists in general seem too prone to affirm, that in taking possession of property, the possession of which is undisputed, we harm no one, we injure no other person's right, and we only use our personal right to extend the dependencies of one's ego as far as is possible without injuring the liberty of others. The absence of competition is a negative condition. It does not found a right. It is not the same as the

[1] Spencer, *Principles of Sociology*, chap. xv.; Austin, *op. cit.*, p. 847; Maine, *Ancient Law*, pp. 244-304.—TR.

[2] Cf. Austin, *op. cit.*, pp. 940 *et seq.*—TR.

duty that we assume when we take possession of a piece of land, or when we take possession of a piece of flint which can be made into an axe—the duty to use it with the view of giving value to a piece of natural property, to draw from it a profit for oneself and for others, for one's own cause and for the cause of civilisation, to make of it, in short, a means of *work*.

The obligation that we agree to fulfil, in the absence of any other man who claims to fulfil it better or as well, incontestably gives a right which can be affirmed by resistance against any one who may wish to expropriate the first occupant. But this resistance has necessarily its limits. For if there appears an individual or a community capable of making the soil or the tool yield more for the good of all than the first occupier can obtain from it, his right is, so to speak, superseded by theirs. In organised society we see that under such circumstances an expropriation takes place, requiring legal forms at first, and a legal indemnity afterwards. This duty is consecrated by the "Declaration of the Rights of Man," when it asserts that "property being an inviolable and sacred right, no one can be deprived of it, save when public necessity, legally established, evidently demands it, and then only with the consent of a just and previously determined indemnity." It is not always a rigorously inviolable property which may be taken from its possessor without indemnity; and that is exactly why, for the expropriation to be just, the right of possession must be essentially based on a duty of setting a value on the duty of labour, in the wide sense of the word.

And it is this same duty which enables us to conceive of possession as lawful—that is to say, the free

disposition of the tools of labour. We want every man to fulfil his function, and we ought therefore to leave him the power of using at his own convenience those tools or raw materials which are indispensable to him for that purpose.

131. *The Share of the Community.*

Can we say, for instance, that the possession of a machine can ever be absolute property? That machine represents a large number of inventions which constitute a social property, a collective capital. This machine could not have been constructed without the co-operation of a large number of citizens who have run risks, have shown devotion and skill, and these are things which are not paid for; the possessor of this instrument of labour is therefore indebted much more than is generally supposed to society, to the community, for that property which he claims to be his own, but which is rather a part of the public property placed in his hands.

And so it is with landed property. The field that you say is yours, and that you surround with so much care by high walls or strong hedges, owes the greatest part of its value to the roads which are near it, and which the community has built and maintained, to the railways which enable you to bring to it the agricultural machines which are necessary for proper cultivation; it owes its fertility to processes that you did not invent, to tools that you did not create, and to the multitude of means which you owe to society, much more than to your own labour. Hence the fruit that you reap is not absolutely your own. Labour in the sense of personal activity

cannot therefore, as many moralists and politicians maintain, found an absolute right of property.

"Labour," says M. Renouvier,[1] "gives as it were to the result obtained an individual consecration, a seal of personality which adds to the proprietary character of an object used for the first time and necessary to life." It is an exaggeration of the scope of the rights of the individual to the detriment of the rights of the community, whose services and preponderating share in private activity we are far too apt easily to forget. We do not work for ourselves alone; we work for the whole of society; we do our share of collective work, and we may therefore be the less disinterested in that work in proportion as division of labour is more advanced.

132. *Property and Reform.*

But we work *quâ* individuals capable of reform and of intelligent and free activity; we are not machines, and the dignity of the reasonable being can only be safeguarded if we leave to the worker liberty, free disposition, and property in his means of action. Let the worker become less and less a machine, an automaton, acting on others and with others; this will make desirable the principle already laid down of an increase of individual liberty. Property in the fruits of labour is less imposed than that in the instruments of labour.

No doubt it is quite fair that each should enjoy advantages proportionate to his work; but it is equally fair that each should receive means of action proportional to his value, to his capacities or apti-

[1] *Sc. de la Morale*, vol. ii. p. 12.

tudes, to the importance of the duties that it is reasonable for him to attempt to fulfil. Property in certain means of action, such as land, machinery, or tools, is further based on a foundation, though slightly different, yet at least as well assured as that of the individual possession of the fruits of labour, or of the money which is the customary equivalent.

The right of individual property is therefore established for all beings without distinction. The inequality of the rights of property is equally well established. On the one hand, let us give to each according to his proved aptitudes, capacity, and activity; on the other hand, according to his merits. It would be absurd to grant the free disposition of considerable property to an idiot or to a being incapable of useful social work.

It is therefore the duty of society to work without relaxation at the just redivision of material property. It must endeavour to procure property for all, and to those who can render the greatest services to society it should guarantee the possession of sufficient resources. The right to labour, which was so ill-conceived in 1848, when it led to the creation of national workshops, is also the right to property.[1]

133. *The Hereditary Transmission of Property.*

Is not the right of hereditary possession an obstacle to the fair redivision of the means of labour which constitute property *par excellence?* On what foundation can be based the hereditary transmission of property, if not on the duty of the preceding generation to secure for its successor, family by family, the

[1] Mackenzie, *op. cit.*, pp. 268 *et seq.*

resources that are necessary for the accomplishment of a social work which is ever becoming more complex and more elevated?

If inheritance of property has as its aim to ensure to descendants happiness in idleness, it must be condemned as contrary to the first duty of the citizen, which is action, the production of property destined to secure to society a continual increase of the happiness of all. Morality, therefore, cannot justify the hereditary transmission of wealth which, when misplaced, serves no longer as a means of labour. It cannot approve of the accumulation in a few hands of enormous capital, which permits of idleness and vice, without involving corresponding obligations.

On this point as on all others it is therefore necessary to regularise the course of the social future, in order to prevent enormous rights of property from existing without the acceptance by the possessor, or the imposition upon him, of corresponding social duties. It is not a question of entirely suppressing the right of the hereditary transmission of property, although this right does not repose, as has been said, on an absolute right of the testators to do with their fortune what pleases them, or on the duty of respecting the will of a deceased proprietor. There is no absolute property; the individual only possesses by a delegation, so to speak, made to him by society of a certain quantity of means of action. But this delegation naturally persists when the reasons which at first determined it still persist, and when in the children are to be found aptitudes at least equivalent to those of their parents.

Hereditary transmission had its *raison d'être* under the ancient régime, when the inheritance of pro-

fessions, posts, and offices involved the inheritance of the means. It has its *raison d'être* again as the importance of professional inheritance decreases; for if the parents of the old régime were preoccupied in preserving or buying for their children posts and dignities, the parents of to-day are occupied in assuring to their sons or daughters not titles but aptitudes, not places but functions, in which they will have to display intelligence, sensibility, activity, and talent; and therefore the more right the fathers of other days had of leaving to their children the means of triumphing over difficulties which are always reappearing, the more that duty rests upon the fathers of to-day.[1] The solidarity of successive generations is thus formed in the family in a moral manner, on condition that it has as its end virtue and not inaction.

The solidarity of the members of the same community may be affirmed in the same way, and from it results the right of bequest, which is a correlative of the duty of social education. But it is easily understood that as this duty may under many circumstances be misinterpreted, the right of bequest ought to be limited and controlled in order that the intentions of testators may never be in conflict, and may never issue in results contrary to those just arrangements which are made by society to secure an equitable redivision of the means of action among all individuals.

If a right considered as absolutely inviolable, such as the right of property, may thus be limited by the exercise of collective action, we see that all other

[1] "For the Effect of the Abolition of Inheritance upon Culture," etc., *vide* Mackenzie, *op. cit.*, p. 272.—TR.

rights have only a relative value, and may undergo incessant fluctuations; and that their extension depends, at least as far as the rights of the individual are concerned, on the increase of the personal value, of the value that the Kantians take as absolute, but which is being ever increased by the unceasing development of human intelligence and industry.

V.

THE STATE.[1]

134. *The Rôle of the State.*

WE have just seen how close is the dependence, both in fact and in right, in which society holds the individual; in fact, although the social contract may have ceased to be the oppression of early ages, and in right, because society has duties to fulfil. No subject, then, can be of more importance to us at this stage in our investigations, than that of the determination of the powers of the State.

In reality there is only one right that the State can exercise, that of *legislation*. It is that right which enables it to have ministers who are formed into a Government, and magistrates who are the interpreters of its sovereign will. The ideal *law*, being the prescription of reason itself, has *ipso facto* every right over man. If a man is only moral in obeying according to his nature as a reasonable being, he is only moral in obeying the law. But whence comes the right of the State to determine

[1] "For Definitions of the State," cf. Holland, *Jurisprudence*, p. 40; Austin, *op. cit.*, p. 242.—TR.

the law, and to impose upon the race its will and its decisions?

135. *Theories of Sovereignty.*[1]

There are many theories of the sovereignty of the State. Aristotle, in the second chapter[2] of the third book of his *Politics*, attempts to justify the rule which requires that in a democracy the majority shall govern:—"That the supreme power should be lodged with the many may be satisfactorily explained, and although it may not be free from difficulties, it seems, however, to contain an element of truth." Among the Romans, the will of the prince had the force of law only because the people delegated to him full power.[3] The principle of the sovereignty of the people is therefore maintained, although an individual may be considered as capable of as much wisdom as the many. But the Roman Church was not long before it contested the sovereignty of the State. Gregory VII. and St. Thomas Aquinas taught that the State is an accursed thing, or at least that its power is of purely human invention. The Church of God alone is the depositary of power; it alone is invested with the right of dictating laws to man.[4]

Bodin,[5] in his *De Republica*, admits as beyond dispute

[1] *Vide* Austin, *op. cit.*, pp. 220 *et seq.*; and for criticism of Austinian doctrine, *vide* E. Robertson, Art. "Law," *Encyc. Brit.*, xiv. p. 356. —Tr.

[2] III., chap. xi.—Tr.

[3] "Cum populus ei et in eum omne imperium suum et potestatem concessit." *Inst.*, Bk. I. ii. 6.—Tr.

[4] *The Eternal Opposition of Revelation and Reason.*

[5] He defines the Sovereign part of the State as "*Summa in cives ac subditos legibusque soluta potestas . . . quam Graeci* ἄκραν ἐξουσιαν, κυρίαν ἀρχήν, κύριον πολίτευμα, *Itali Segnioriam appellant.*" *De Rep.* i. 8.—Tr.

"the absolute and perpetual power of the republic"; in his mind its sovereignty is indivisible and indefeasible. "Ea jura nec cedi, nec distrahi, nec ulla ratione alienari posse." Of all the rights of the sovereign (whether one or more) the principal is "the power of giving laws to subjects without their consent." As early as 1609, Althusius, in his *Politica methodice digesta*, promulgates the theory of the sovereignty of the State as based on contract. The State is the last of a series of contracts, a series which first comprises the family, the corporation, the commune, and the province. Sovereignty is defined as the "highest and most general power of disposing of everything connected with the safety and the well-being of the soul and body of every member of the Republic."[1] The people is the great political creator, the real "king-maker"; the force which concedes the power remains superior to the power it concedes. The people is immortal. It is therefore the unique subject of a permanent power. Contract is rather implicit than explicit. If the interpretation placed upon it by the legislature is not in conformity with the will of the people, then the people have the right to depose the legislature.

Grotius denies that the sovereignty of the people is inalienable; a nation may with its own consent be reduced to complete slavery.[2] Hobbes[3] declared that the people never did possess the supreme power before it gave itself a master; the act by which are established both sovereignty and the legislative

[1] *Politica*, chap. ix. 125.

[2] Grotius, *De jure belli ac pacis* (i. 3, 8; ii. 5, 31; 22, 11), *vide* Austin, *op. cit.*, p. 234.—TR.

[3] Cf. Austin, *op. cit.*, p. 235; Holland, *op. cit.*, p. 45.—TR.

power is the contract by which the renunciation by individuals of all their rights was effected. Never was this idea more clearly expressed—that the State is something official, a "being of reason" on which all rights are conferred with a view to the general happiness and maintenance of peace among men. Having admitted that peace is the greatest good, the State having as its function this supreme good must dispose of all power. Locke does not admit that the State has an absolute sovereignty; each individual retains some liberty. To Rousseau the general will alone is the right will. The sovereignty of the people is inalienable and indefeasible, but it cannot be exercised by delegation; the general will is one and indivisible. "There is not, and there cannot be, any kind of fundamental law obligatory on the mass of the people, not even the social contract;"[1] but this contract gives to the body politic absolute power over all its members.[2]

The historical school rejected the idea of the social contract, and made of the State a natural product of collective evolution. To Burke, Hugo, and Savigny,[3] the power of the State was the result of tradition and custom. Kant did not admit the historic reality of the social contract, but in his opinion all real law must be such as it would have been if the general will had served as its basis. The idea of the absolute sovereignty of the popular will reappears clearly in the theory that the legislative power has all rights and no duties with respect to the citizens;[4] that

[1] *Contrat social*, i. 7. [2] *Ibid.*, ii. 4.

[3] Cf. Robertson, *op. cit.*, p. 363. TR.

[4] Kant, *Œuvres* (edit. Rosenkranz), vi. 165. Cf. *Théorie du Droit* (1797).

there are no means of coercion which can be employed against the sovereign, and therefore that no constitutional restriction or limitation can be made to the power of the monarch. As Mr. Merriam has remarked in his recent *History of the Theory of Sovereignty since Rousseau*,"[1] Kant's doctrine of the power of the State is as absolute as that of Hobbes and Rousseau.

Fichte admits a series of contracts by which property is progressively constituted, and by which protection, union, and subjection to the government are effected.[2] This subjection has for its end the establishment of an authority capable of protecting the rights of the citizen, an authority which must be watched and which may be annihilated by a constitutional assembly. "In fact and in right, the people is the sovereign power, the source of all other power, and responsible to God alone." To Schelling, the State is the consummation of a cosmic process which has for its aim the reconciliation of necessity and liberty, the realisation of an absolute will, "the immediate and visible type of absolute life." Schelling was one of the promoters of the movement in favour of the divine right of kings. In the opinion of many theorists on that right, the theory of the sovereignty of the people was, as De Bonald holds, a theory intimately connected with atheism and materialism. The supreme power can only come from God; the sovereign is the representative of Providence, and his rights are as unlimited as those of God.

Hegel conceived the State as a real personality

[1] Columbia University Press, 1900.

[2] *Grundlage des Naturrechts*, 1796-97.

having rights and duties.[1] This being has "its foundation and cause in itself." It is a person moral to a higher degree than an individual. It is the sovereign person, which may find its expression in an individual, and which may be made objective in a king.

The revolution of 1848 based sovereignty on reason, and recognised an absolute sovereignty in the "universality of the citizens." In 1832 Sismondi, agreeing with Lerminier, had said: "National reason is something much higher than public opinion." According to Pierre Leroux, "sovereignty is the power which descends from God into the human mind and is manifested in the people; that is to say, by the indivisible unity of all the citizens, the real image of Him from whom it flows."[2] Proudhon held that sovereign justice results from organisation, and is a natural product of the constitution of the community, just as health is a resultant of the constitution of the animal. "It need only be explained and understood to be affirmed by all and to act;" to it "belongs the direction of power."[3]

136. *Summary of the Theories.*

Such are the principal opinions advanced by the theorists with the object of legalising the rule of the State, whatever its representative may be—king, parliamentary assembly, popular assembly, elective body, hereditary nobility, etc. Three great theories disengage themselves from the whole. The first

[1] *Grundlinien des Philos. des Rechts* (1821), sects. 35-36.

[2] *Projet d'une Constitution démocratique* (1848), art. 19.

[3] *De la Justice dans la Revolution*, i. 118.

bases the rights of the State on the rights of the Godhead; the second, on the popular will, whether that will be or be not considered as illuminated by reason; and the third, on that natural evolution which issues in the constitution of an organ or of a kind of judicial personality.

The first of these great doctrines brings us to the legalisation of every arbitrary decision. When we entrust to a man, or to a privileged body, the duty of interpreting the divine commandments, or of making known the divine will and of substituting himself for Providence, we ought to trust blindly to this representative of the Godhead. We implicitly confess our ignorance, our inability to know, our irremediable mental and moral weakness; we find ourselves in a flock for which we cannot even choose the shepherd. But by what sign are we to recognise the elect of God? Here every criterion is at fault. That is to say the whole theory is wrong from its foundation. The second doctrine is really worth consideration only because—with Rousseau, Kant, Pierre Leroux, and Proudhon—the general will is represented as the most capable of right decision. But the obstacle is precisely the unsurmountable difficulty, so well pointed out by Rousseau, of realising the unanimity of the citizens. How can we disengage the "national reason" of which Sismondi speaks from "the public opinion, which, although in general far-seeing enough, is often rather precipitate, impulsive, and capricious"? Where shall we find "this reason illuminated by all the intelligence, and animated by all the virtues which exist in the nation?"

137. *Relative Sovereignty and the Social Contract.*

If we cannot find it, we must give up the theory of an absolute sovereignty, which could be only justified by an absolutely right will. We must admit a limited and incomplete sovereignty corresponding to the imperfect intelligence illuminating the State. Hence two conceptions are admissible: either the sovereignty is transferred from the nation to an elected king, responsible himself or through his ministers, who is the first organ of political life; or, it is transferred to a picked body, whose mission is to decide in the name of all—to a Parliament formed of representatives of the whole country. In any case the organ created to take the place of the direct administration of the people by itself, the vicarious representative of the sovereign power, has never had, as Althusius, Locke, and Rousseau saw clearly enough, as many rights as the sovereign people itself, which grants to it all needful authority, but not absolute power. Thus there are grounds for placing limits on the rights of the State, contrary to the admission of Hobbes and Grotius in their desire to legalise the absolute power of the king, whom they frankly substituted for the true sovereign.

But most of those who have admitted national sovereignty have believed in a social contract, implicit or explicit, and *ipso facto* they have given as a moral foundation to the authority of the State a kind of delegation made to it by individuals of a portion of their power and right. Neither Rousseau nor Kant believed that this contract has ever been realised; they none the less considered the State as able to claim no authority other than that

of the individuals composing it. The opinion of M. Fouillée does not sensibly differ from that of Kant, in the sense that while making of the social contract an ideal of spontaneous agreement with particular wills, M. Fouillée remains an individualist, and refuses to seek the *raison d'être* of the whole anywhere but in an artificial grouping of its elements.

No doubt the force of the State must more and more be based on the agreement, the "synergy" of individual wills; but the existence of the State is assured in fact, and is legalised on other principles. At the beginning of human civilisation, social constraint was sufficient to create a central power in every aggregate. As social constraint diminished, the permanent action of the State continued to make itself felt by individuals, as we have pointed out above, in spite of the progressive substitution of a contractual right for a purely repressive penal right. The more important the contract, the more the rôle of the State has increased from the judicial point of view, so true it is that legislative and contractual activity are entirely distinct.

138. *Duties of the State.*

The existence of a legislative, executive, or judicial power does not then depend on the will of men; the State is a natural product, a natural being, as opposed to Hobbes' Leviathan, a monster imposed by reason.

We thus come to the third of the great doctrines concerning the State which we mentioned above. No doubt it was not sufficient to say with the "historical school" that traditions and customs

confer political power, and determine the nature as well as the extent of the rights of the sovereign; but it must be recognised that the evolution of the State has as much importance as the evolution of every other natural being. We must therefore not endeavour to conceive *a priori* a rôle and rights of which history will teach the future. Further, Hegel, by insisting on the moral value of the State, on its rights and its duties as well as on its supremacy, its independence, the priority of its power relatively to individual liberties, has broken completely with the theorists of the social contract, although his idealism has been approached by all those who claim that the State has the sovereignty because it is the best representative of the impersonal reason, and the best judge of the objective value of maxims, precepts, customs, traditions, collective tendencies, and morals.

We can therefore reconcile naturalism and idealism by considering the State, whatever be the form of government, as having in the highest degree the right of regulating morals, of penetrating into private life, not because individuals consent to it, but because it is by nature and by right the highest organ of the reason, and the fittest instrument to establish the rule of the reason over man. But we must beware of absolutist conceptions.

The State has rights, just as individuals have, within the limits within which it can fulfil its duties. Now, can it assume the responsibility of every individual act, and even of a large number of collective acts? If it could, it would be because individuals or communities have no right of initiative, no obligation to reform in order to contribute to social progress. But invention is the doing of in-

dividuals, not of the State, which has no imagination; so that individual minds must collate the common data in their own fashion, and must meet at the point of intersection of those great lines of imitation, which, to quote the saying of M. Tarde, are like the rivers which irrigate the sociological domain.

The rights of the State can only therefore be such as to infringe on individual rights, by a reformation prudent or rash, unfortunate or fruitful, and destined to modify more or less considerably an aspect of social life. But they ought to be wide enough to prevent the propagation of those "pernicious novelties" against which all governments have made it their business to protect themselves, as soon as they have detected in them the revolutionary spirit.

Here, then, is the problem of the moral right of citizens to revolt against a government which has obstinately persisted in reaction, or of resistance to social progress. Such a government evidently oversteps its rights, and either it ceases to be the real minister of the State, or the State injures the rights of individuals, and goes to its ruin through ignorance of its true rôle; in the latter case the constitution of the State on new foundations is necessary, and we must go back to the real sources of sovereignty to found a new political right. Such is the moral office of revolutions, which, when lawful, are attempts made by the greatest number to harmonise the effective rôle of the State and the rational conception of that rôle, at a given moment of the social evolution.

The present moment seems a suitable time for giving to the central power a very complex social mission—that of social organisation in every stage.[1]

[1] Cf. Spencer, *Principles of Sociology*, chap. xxii. 2.—Tr.

"The more societies are developed," says M. Durkheim[1] (and this quotation only sums up what we have said above of the evolution of the central power), "the more the State develops; the more and more numerous become its functions, and the further it penetrates into all the other social functions which it *ipso facto* concentrates and unifies. The progress of centralisation is parallel to the progress of civilisation. . . . It may be said that there is no more firmly established historic law." It is the State which, "as it has assumed the power, has freed the individuals belonging to particular and local groups which tend to absorb it, such as the family, city, corporation, etc. Individualism and 'Statism' have marched in history side by side."

If the State cannot be a despot, having all rights over the individual, and if it ought to be freer in proportion as it has carried out more obligations, it has acquired more value of its own, and it is imperative, as M. Coste has so clearly laid down,[2] that the central power should be more and more "the liberator" of the moral person. "It is a question of preventing usurpation and monopoly; of maintaining harmony and holding the balance between particular interests, and of resisting eccentric and divergent enterprises." In the same order of ideas, M. L. Stein assigns to the State as a transient obligation the duty of decreasing all abnormal power which may check the permanent interests of civilisation.

Now the conflict of the living forces whose synergy is indispensable to common life may compromise the future of humanity. It means disorder in the present and radical discontinuity in the future. The State

[1] *Rev. Phil.*, 1899, t. xlviii. p. 438. [2] *Op. cit.*, p. 190.

must therefore extend at once the maximum of rational organisation, and must henceforth proceed with the regular increase of future social organisation. Politics is an art of foresight as much as wisdom. To be conscious of a collective ideal, to expound it with the utmost clearness to every mind, and thereby to instruct and guide in the realisation of a work of progress, is one of the first duties of a governing body.

The State ought to be the focus of light which illumines and revives, which guides and protects. It has the right of struggling against everything which is radically opposed to union, harmony, and progress. That is why it must regulate all modes of activity and existence into which an immoral force might bring disturbance, and which it might guide in a wrong direction.

The weak-minded man makes a false inference. Let the law protect him from himself, for in so far as he is badly advised he may injure himself and injure others. The isolated individual may be exploited by the usurer, capitalist, or the unscrupulous, who profit by their power to impose upon him conditions that are contrary to justice and humanity—let the law declare null and void contracts thus imposed by force. What is dangerous for the individual is the sect which, forming a kind of closed community, imposes progressively on its members obedience, renunciation, and sometimes crime. Let the association be free but not tyrannical; the law should, in this case more than in others, protect the individual in the midst of a blind multitude subject to the domination of a few intriguers, and as such capable of any kind of excess.

139. *The State and Associations.*

Association in general, far from being proscribed, ought to be encouraged; for when it is open and remote from the sectarian spirit, when it imposes on the individual no sacrifice either of his dignity, his just rights, or his moral independence, it constitutes the most efficacious protection against the despotism of the central power. The State should aim at organising resistance against all oppression, even against that which a government might attempt in its name.

The French Revolution, unfortunately, misconceived this duty of the State. It proscribed associations after having destroyed the corporations, which had made themselves odious precisely because they were in some measure "privileged aggregations," in which despotism reigned, and thus it made "unions" for a long time impossible. But we are coming back to a healthier notion of the rights and duties of the State as far as association is concerned. "What frees the individual," says M. Durkheim[1] again, "is not the absence of every regulating principle, but their multiplication, provided that the multiple centres are co-ordinated and subordinated the one to the other." The State has therefore the right to protect young associations, since thus it fulfils its duty of protection with respect to individuals. It will even find before long, as M. Paul Boncour[2] puts it, a valuable auxiliary in unions of every kind, which only submit their members to special discipline in order that they may submit themselves to common discipline, so that each nation

[1] *Loc. cit.*, p. 239. [2] *Le Fédéralisme économique.*

will form a kind of federation of associations which will already have completed the initial task of social unification.

The State will then be able to intervene in the affairs of the community and of the elementary social group, not in order to stifle its life and spontaneity, but to regularise its activity, and to place it in harmony with the activity of the other organs of social life. It is thus that, to use M. Tarde's expression, it will complete its part of "initiator" by its function as "regulator."

140. *The State as Educator.*

But in so far as it is an initiative power, will it not be the duty of the State to take proper measures for the development of the æsthetic, religious, scientific, and moral sentiments, which are as it were the vital principles of the "social body," the essential appetitions of the common conscience? Does it not follow that there ought to be, for instance, a State religion, an official instruction in theological, scientific, and moral truth? The question is that of the duties and rights of the State in matters of education and collective belief.

We have already agreed that the social evolution of the collective sentiments tends to increase incessantly the love of science, to diminish the ardour of religious belief, and to extinguish fanaticism and intolerance. Is it necessary to oppose social evolution on this point, and to endeavour to restore unity of religious belief? What moral interest could such a reaction afford us?

Religious unity cannot give us moral unity, for,

as we have already said, the same religious practices may be in accordance with quite different forms of conduct, some moral and some immoral; and further, theological conceptions are so vague and so difficult to accurately define, that their subjectivity will always be an obstacle to identity of belief; in short, the history of religion is a history of schism, heresy, and heterodoxy of every description. In proportion as the modern mind penetrates further into Christian thought, we find that thinkers more readily admit of free discussion. M. Sabatier, the Dean of the Faculty of Protestant Theology at Paris, declared some years ago that orthodoxy in the Reformed Religion is sheer nonsense.

The State cannot, therefore, consider it as one of its rights to establish religious unity. Can it consider as one of its duties the equal encouragement of every form of religious manifestation? To those who think that religion is necessary to social life, we may raise the objection that public manifestations of any theological creed whatever are of a nature to wound the independent conscience, and *a fortiori* that of those who have a different religion from that of which we may encourage the development. For believers in general are convinced that they alone possess the truth, and they consider it their duty to combat error. The characteristic of a collective belief being to manifest itself, one may anticipate conflict; and we may fear that the intervention of the State in the discussion of the causes of trouble may not lead to the end proposed, namely, to the harmony of all social forces and the co-operation of every form of energy.

And besides, the absence of well-established re-

ligious truth, an absence which would make intolerable the re-establishment of a State religion, removes worship and belief from the collective conscience and makes of it an essentially private matter. The innovations and modifications that a citizen thinks should take place in traditional ceremonies concern himself alone, and can only interest the State in so far as the happiness or the unhappiness of the citizens as a whole may depend upon particular acts of piety or impiety. There is, therefore, no reason to oppose the evolution which makes of religious sentiments something more and more foreign to the collective conscience, and which reserves for them a safer asylum in the individual conscience.

It is almost the same with the æsthetic sentiments. There can be no official art without outrage to the individual right of free appreciation of works of art and of independent taste. But the case of scientific sentiment is entirely different. Science consists of objective truths and of assertions that may be verified again and again. It is to the public interest that scientific truth be established and extended, that the worship of the true be universal, and that citizens be initiated into that worship from their earliest years. It is, therefore, the duty of the State to see that scientific instruction is given to all, in order to multiply the means of investigation and discovery, and to extend in all directions the idea of fresh conquests of human reason and of methodical experiment. How far, then, may be carried the right of the State in matters of instruction? Can it compel its citizens to receive such instruction as their minds can understand, can it reserve to itself the right of directing study and forming their minds? This right

seems incontestable. Is not the duty of knowing rational and scientific data closely connected with that of obeying the reason, and has not the State which ought to protect the individual the right to arm him for his own protection, especially when the arms that are furnished serve the material and moral interests of the community? Just as the State should take measures of general protection against physical harm, poverty, and disease, ought it not to take measures of general protection against intellectual mischief, ignorance, and error? And if it is therefore its duty to watch over the instruction of all, it has the right to organise, to direct, and to apportion instruction according to the interests which the social system has to realise. No doubt it has not the power to prevent any one from learning, or from learning more, but it has the right to compel each individual to learn as much as the individual degree of intelligence and attention permits. With this right of making instruction obligatory in general is connected, for instance, the right of imposing military instruction for the defence or the safeguard of all, in whatever form and at whatever time is found suitable.

141. *The State as Judge.*

And finally, the State in the same way is supposed to be provided with the wisdom that is requisite to make the laws and to determine the duties of the citizen; just as it is considered the born protector and the born instructor of all individuals, so it is the natural distributor of justice. Hence its duty to

establish a magistracy, and its right of making arrests, to which when effected in its name every citizen is liable. This magistracy is twofold: part is administrative, and part is judicial. For the rights of the State to be indisputable, in so far as it compels respect to its magistrates, administrators, or judges, it has one last duty to fulfil, that of choosing as interpreters of the law men who are thoroughly qualified both by their mental lucidity and by their sense of equity.

VI.

The Economical Organisation.

142. *Competition.*

It is in the economic order that the intervention of the State seems likely to produce important results in the future. This intervention was for a long time considered as likely to produce more disturbance than benefit; it was thought that the domain of economic facts is the domain of competition between individuals. It would therefore have been necessary rather to organise that competition than to seek to establish an agreement. The struggle for existence is a well-known fact of our own days, but this struggle, which may be circumscribed among the animal races, does not prevent a certain degree of union and agreement among men in view of a better existence. Groups may be formed to struggle against other groups; the citizens of one and the same nation

may closely combine in their economic struggle against another nation equally combined.[1]

The best part of humanity in fact may constitute itself into a single system to struggle against animality, and may attain a more complete control of nature. Evolution takes place in the direction of the suppression of these struggles when they are narrowly circumscribed in the clan, the tribe, the city, the province, the nation. Civil wars are already considered as anomalous. Certain forms of competition become no less abnormal. Morality is as desirable in economic struggles as in every other sphere of social life. It would be contradictory to lay down as a supreme duty the rational organisation of collective life, and to leave political economy outside morality as a domain in which success alone is the important matter, and in which the predominant fact must be competition, while everywhere else in social life is established the free agreement of individual wills under State control and protection.

143. *Subordination of the Economic Order to a Higher Order.*

Immorality consists in the forgetting of the highest needs of human society, and in the exclusive subordination of man to economic ends, such as the acquisition of wealth or the production of means of pleasure. The Kantians see in this abuse of human

[1] Protectionists such as Mr. Simon Patten may look forward to this. To them the aim of Protection is the full expansion of the whole economic power of a nation which is called into rivalry with its neighbours. Cf. *The Economic Basis of Protection.*

weakness the sign of a tendency to take humanity in itself as a means and not an end, not to respect the law of duty and the noumenal liberty in the phenomenal being whose "eminent dignity" and fundamental autonomy do not tolerate subjection.

We may not have metaphysical reasons for condemning the occasional degradation of reasonable beings, lowered to the rank of beasts of burden, or treated as mere instruments of labour. Reasons borrowed from positive morality do not fail to justify the condemnation of slavery and of analogous modes of social activity. There is in society a hierarchy of different orders. The order of economic facts is undoubtedly at the base as the first condition of other orders of facts—political, æsthetic, scientific, and so on. If man does not live by bread alone, he must at least begin by being nourished, dressed, and aided in his primary wants and self-preservation. Moreover, it cannot fairly be claimed that economic evolution determines the whole of social evolution. The doctrine of "historical materialism" has certainly insisted too much on economic determinism. As may be seen by what has been said above, the evolution of the means of production has in many cases followed that of the spontaneous tendencies, and of the desires that any "material want" has awakened. The complexity of economic life has political, æsthetic, religious, and social causes of every kind outside the natural evolution of the sources of wealth. But the inventions which contribute to industrial progress are not in their origin products of the human mind under the pressure of economic necessity. They are the spontaneous fruit of technical imagination, the direct results of the

most disinterested scientific research. It may be asserted that in many cases artistic or scientific disinterestedness has given rise to economic interests.

We must let the order of scientific facts play its part, which is extremely important although subordinate—that of the totality of conditioned and conditioning phenomena, but conditioning after the fashion of the pedestal in granite or marble which is necessary for the erection of a statue. The phenomena of wealth, of production, of consumption, and of distribution are means for the social life; we must not make ends of them, and thereby enslave either individuals or communities. This is the pitfall which most economists have not avoided with sufficient care.

The wealth of individuals or nations is in itself a matter of indifference to the moralist. Wealth or poverty do not increase or decrease morality. There are certain wealthy regions in which, in spite of a marked propensity to vices such as avarice or debauchery, crime does not increase more than in poor regions in which are developed vices such as intemperance, ignorance, coarseness of manners, etc. In general, very poor populations have more virtues than populations which are weakened by wealth and habituated to luxury. Poverty endured with fortitude is a test of morality. But the possession of a fortune interests morality indirectly in so far as it should serve as a means of social activity. Certain forms of good increase the public means of arriving at scientific truth, artistic enjoyment, or the full expansion of charitable forces. The moral use of wealth is the expenditure of its revenues for more and more lofty social work. It is of importance therefore that the public wealth should increase, that

humanity should possess an increasing quantity of material good, in order that the intellectual and moral life of the community may benefit by the leisure and the resources so widely distributed. But if this be the case, what moral importance is acquired by the problem of the production and distribution of wealth! How closely is political economy subordinated to morality!

Now, if there is a natural evolution to promote, if there are reforms to be realised, it is to the law that we must appeal in the widest measure possible; it is the State which must assume new duties and arrogate to itself new rights.

144. *The Rôle of the State.*

Let us remain faithful to the fundamental principles which limit the rights of the sovereign in private matters, the principle of the greatest possible expansion of individual liberty hand in hand with that of State control and protection, and the principle of co-ordination and prevision by the central power, in view of the progressive realisation of an ideal of harmony and spontaneous agreement between social forces of the most diverse character. The rôle of the State then clearly appears to be that of a power which promotes the economical evolution of which we have already marked out the stages. In proportion as the division of labour daily involves, in a manner more and more marked, the triumph of special aptitudes, we see the working classes unite for self-perfection, and endeavour to form in the same industrial establishment a great family, in which each needs all, and in which all hold in just esteem

the part that is played by each. Thus is realised progressively the solidarity of the working classes, a solidarity from which we may expect the greatest good from the point of view of the protection of the individual, of encouragement of the inventor, and of aid in case of the artisan who is out of work or suffering from illness.

The extension of the rôle which has devolved on the unions, within the limits which have been laid down above, is desirable and even necessary. Without granting privileges and monopolies which would tend to turn all unions into new corporations as detestable as th[illegible]ld, the State can and ought to favour every grou[illegible]hich may assist it as auxiliaries in the work of [illegible]conomic organisation of the country. These a[illegible]tions will be able in proportion as they ac[illegible] more power to realise vaster designs and to give [illegible]re breadth to industrial enterprise, and at the same time to increase the public wealth and the well-being of all their members.

145. *The State Principle and the Corvée.*

Ought the State to go further and become a kind of magnified union, the sole proprietor, the sole distributor of work and property, a kind of Providence which provides for the needs of all by fixing the nature and the duration of the labour of each?

Suppose we admit that if men all work a few hours a day at the production of objects of consumption which are indispensable to material life; all men may then be able to enjoy leisure, which some may employ in scientific research, others in

works of art, and all in the satisfaction of higher and properly human needs,—granted this, has not the State the right of imposing without exception on its different elements what has sometimes been called the *corvée*?

The right of imposing defined modes of activity with a view to the public safety, or welfare, or health, or universal morality, is incontestable. It has been in fact affirmed on many occasions. The State exacts its *corvée* whenever no remunerated service can fulfil the functions accomplished by all with complete devotion to the State: for example in case of fire, inundation, famine, or invasion. Military service is the type of the *corvée* which is commended by many socialists.[1]

If it were proved that [redacted] morality and the collective well-being would [redacted] in realisation by the process which answers to the need of national defence and of all work that the material existence of the nation requires, the State would not hesitate to "nationalise" the principal means of production, and those great enterprises which have hitherto remained in private hands, and which have been denounced as a tax on the public wealth or harmful to the physical and moral health of all the citizens.

But if Plato could conceive of the State as charged, first with the union, then with the entire education, and finally with the distribution to all the citizens of functions and property, we must not for-

[1] It must be remembered that M. G. Renard reduces to a minimum, in his *Régime socialiste* (Alcan, 1898), the part played by these industrial services, which, he says, "would be secured by a process analogous to that of military service."

get that he over-simplified economic life, which in his day was anything but complex, and that he was inspired much more by the remote past than by social evolution as a whole. Human civilisation began with a very rudimentary kind of communism. Social homogeneity, the common possession of objects of consumption and means of production, some reduced to products, others to the simplest modes of activity, made a common life easy and even obligatory. In our days the complexity of collective existence has made it difficult to concentrate in the hands of the State the means of production and objects of consumption. Incessant and varied exchange, by determining the expansion of financial operations, has more and more compelled the State to have recourse to the method which most easily enables it to dispose of the public revenue—viz., the process of taxation by law and of expenditure by budget. The principal inconvenience of the *corvée* system is the crowding of individuals, often against their will, into manufactories or shops; further, it leaves no freedom to the worker, as though the real worker were only a piece of machinery producing at a fixed rate a quantity of determined work. What is more important than the quantity is the quality, and that depends on skill, and therefore on interest in specialisation.

And what is more important than docility and regularity is invention, which can only take place by leaving to the individual the right of change, and a right as it were to make mistakes, to make experiments, and a right to consumption that may possibly be fruitless.

146. *Taxation.*

On the other hand, the system of taxes leaves to the producer and the consumer the maximum of liberty, while it permits the State to play the broadest rôle that can be conceived. We ought, therefore, to foresee and to admit a continued increase in the pecuniary burdens imposed upon individuals as the consequence of a continuous expansion of the rôle which has devolved on the central power.

Social evolution may rightly tend to make each citizen according to his individual competence a functionary of the State. To the régime of competition corresponds the selection by competition of agents who are supposed to be the fittest to render services which are sometimes very complex. To the régime of co-operation should correspond the breaking up of the present great functions into small and much more specialised functions, remunerated in each case according to the aptitude of the individual to fulfil the duty assigned to him. The time will thus come when there will be no longer only a limited number of citizens who are *exclusively* State functionaries, and when all citizens will be more or less such officials for a few hours a day, or for a small portion of their activity. In that case the State will have not so much to feed its employés as to remunerate their services, to exchange with each citizen the means of subsistence in return for those products which are indispensable to the collective life.

Two practical problems will therefore be presented. How shall we redistribute the taxes, and

how far can we make private enterprises public? The latter problem may be solved in a variety of ways according to the degree of civilisation and the economic situation. At the present moment a large number of States have already taken under their charge a portion of the expense of public instruction, a portion of the expenses of assistance to the sick and the old, and the protection and material maintenance of poor children or foundlings. We constantly see our Parliaments increasing their subsidies and making fresh sacrifices to secure, for example, cheap transport or certain articles of cheap food; on the other hand, we see great nations paying very high prices to encourage certain forms of cultivation, navigation, emigration, etc., thus improving the condition of the farmers, sailors, and colonists. The fact that an enterprise is of public utility is sufficient reason for the State to intervene pecuniarily and morally, and to partly nationalise it by the aid of taxes. It is certainly not immoral to turn in this fashion every great enterprise, which is now private and of capital importance to the national life, into a public concern, and thereby to cheapen the means which are indispensable to the subsistence of all. It secures for all, by means of the public funds, at any rate assistance against poverty. It enables all to raise themselves more and more above the life of the brutes, and to taste of those intellectual and æsthetic pleasures which ennoble mankind.

147. *Solidarity in the Economic Order.*

For this purpose all must sacrifice to the State a portion of their income. And it is exactly in the

variable relations between the benefits received by the individual from society and the services rendered by him to the common cause that human solidarity can best be manifested. These relations most often run the risk of being in inverse proportion. In fact, it is not the man who is powerful by his intellect, by his ability from this or that point of view, who will have most need of the aid of his fellows; but, *qua* abler man, it is only moral that he should owe more, and that the social burdens which weigh upon him should be proportional to his means of action. We have seen, in fact, that as duty rests on good-will, social obligations increase with the growth of power. To pay a tax is one of these obligations; and even if it be true, as we have often supposed, that the tax will more and more take the place of all individual contributions to the collective charges that may be exacted by the State, we must see in the payment of the pecuniary contribution one of the first duties of the citizen, a duty the higher in the hierarchy of moral obligations in proportion as the economic rôle of the State becomes greater.

One serious objection cannot fail to be raised to such a conception. It is, that if the advantages are not proportional to the services rendered, if on the other hand the idlest and most unworthy of men none the less enjoy the benefit of the labour of others, a kind of premium will be given to inaction, idleness may become general, and the social system may collapse as a natural consequence.

If the objection hold good, it follows that the only things that determine man to work are natural necessities and economic needs. Now we have

already seen the exaggeration in the doctrine that claims to make of material needs the sole motives of human activity. On the other hand, do we not daily see that the laziness of certain men is due to their morbid disposition, such that even if hunger and thirst were to prove a still more powerful stimulant to labour, they would nevertheless remain idle? Is it not true, on the contrary, that a large number of men work who need not; and can we believe that inventors, for instance, the great agents of industrial progress and economic prosperity, would cease to imagine, to study, or to make an effort, even if they were deprived of all material recompense? It is laying too much stress on the baseness of the sentiments of the majority of men to think that the cause of civilisation is compromised because bread and shelter have been secured to a few wretches with no self-respect. There is nothing which entitles us to believe that once the most urgent necessities of material existence are provided for as far as possible by the care of the State, the individual would not consider it a point of honour to give back to the community the benefits which he has received from it. Thus, on the contrary, an incomparable intellectual impulse and an incomparable economic activity will instil into the community an increasing solicitude for all its members, and will secure for individuals wider and more generous action, more fertile initiative, greater wealth, and a well-being which will always be favourable to their moral elevation. Without prejudice to private property, the problem of the conflict between labour and capital will be made easier by the amelioration of the lot of the lowly.

148. *The Wages System.*

Karl Marx[1] has endeavoured to establish a filial relationship between ancient slavery, modern serfdom, and the wages system. In reality, serfdom from its origin is opposed to slavery, and the wages system has been received with enthusiasm by the adversaries of serfdom. As Letourneau has remarked, these institutions co-existed in Egypt and Greece without causing confusion; in Sweden, according to Dareste, serfdom has never existed. The artisan, once so despised that he was not only refused the title of citizen but also every moral dignity, tends more and more to become an independent personality even from the economical point of view.

The wages system, which is nowadays so vehemently attacked, is condemned to disappear because it does not leave room for the moral evolution of the artisan. In law, wages is the result of a contract, by which a man engages to furnish a determined technical activity for a certain number of hours a day to a master, who, in return, engages to procure for him certain material advantages, generally a certain sum of money.

But as a matter of fact the régime of the wages system is often in opposition to the régime of free contract. The conditions under which the workman engages to work for his master are often imposed by the latter, who, in union with most other masters, or at any rate in consequence of a tacit understanding, does not stop to discuss the matter with the work-

[1] *Capital*, p. 550.—Tr.

man; and the workman, if he is not to die of hunger, must certainly accept the offer.

On the other hand, it sometimes happens that the members of a union impose their price on the master, and being certain of success, have not to fight but to command. It follows, therefore, that the wages system perpetuates a state of war.

And there is a still more serious matter. Is not the contract of the wages system a contract of hire, which makes of the workman a thing, a tool, a simple means of wealth in the hands of the capitalist? If we consider facts and history, says M. Renouvier,[1] the wage-earners incontestably "have been placed and often even now are placed in a condition in which not only can they have no property of their own, but they are unable to acquire any. They find themselves reduced to the bare means of livelihood from day to day, and so are shut off from all more remote ends whether of an intellectual or of a moral nature."

We know Karl Marx's[2] theory of surplus-value and over-production. Into the prices at which goods are sold enter essentially the wages of the workmen and the profit of the master. This profit is due to over-production—that is to say, to the hours of "unpaid" work which are imposed on the workman beyond the number of hours that are necessary for the needs of society.

The capitalist endeavours to increase the surplus-value which results from the incorporation into his goods of an ever-increasing number of hours of work, and of an ever more considerable amount of effective

[1] *Op. cit.*, t. ii. p. 86.

[2] "Salaries, Prices, and Profits," *Capital*, pp. 156-300, 516-541.—TR.

work. It follows that, even without decrease of wages, the profits of the masters increase to the detriment of their men, and that life which becomes more costly to the consumers is more costly to the working classes generally, so that a rise in wages does not improve their condition.

The morality of a few masters can do nothing against these inevitable consequences of the wages system. If they were to increase wages, or to reduce the number of hours of work, they would be ruined by the severity of competition.

149. *Co-operation.*

The State is therefore sooner or later called upon to intervene in the present régime of labour, to fix the judicial limits within which may be exercised that individual right of contract without injury to the moral dignity of the human person affected. The regulation of labour, notably with respect to the maximum hours of labour and the minimum wage, must therefore be imposed upon the State.

This is the modern thesis which rightly assigns to the State the regulative function which is distinctly proper to it. But can it be expected that State regulation will be sufficient to give to the working man adequate moral dignity? It seems that there can be no moral satisfaction to humanity until social labour as a whole appears as free co-operation, in which no material or moral compulsion is exercised by one set of men on another in virtue of the power of the one and the weakness of the other.

It is not a case of hiring the activity of an indi-

vidual; it is rather a case of services which should be exchanged between men having an equal respect the one for the other, and a reciprocal esteem for their different aptitudes. The division of labour involves, in addition to the increasing specialisation of aptitudes and an increasing individual value, the more and more marked independence of the good workman who works at his ease, sells his labour or his services, and receives, not the price of his hours of labour, but the share that is due to his talent, his knowledge, his skill, and his co-operation in a piece of work.

How much better would the legitimate pride of a good workman and his independence with regard to the master be secured in a society in which, in the first place, free association would furnish to the individual every moral and pecuniary support, and in which the State would afterwards assure to all a life free from pecuniary anxiety. It is not a question of repeating the blunders of 1848 and 1849, and of opening national workshops for men who are out of work. The State cannot engage to find a livelihood for a swarm of officials, who, if they did not work would compromise the public weal, and if they did work would cause such a competition with private industry that it would be unjustly condemned and would have to disappear. But the workman with a family, wife, parents, and children to feed and to bring up, both must and can, if need be, struggle in defence of his legitimate claims against the sometimes overwhelming power of capital. Should he claim in case of need his rights and those of his companions, the conditions under which his claim is made are the most favourable if his subsistence has been made as cheap as possible to him, and if the

material well-being assured to all by the State has enabled him to save and to protect himself in advance by far-sighted economy.

We may rest assured that under such conditions the right of striking—which must be recognised, for it is the guarantee of the independence of the working classes—would be exercised peacefully; the fear of poverty, of being a short time out of work, is the cause of most acts of violence committed in the conflicts of labour; it is this fear that maddens and blinds. When a powerful union maintains its members, who are already strong in themselves, the solution is easy and rapid. We see this in England where the trades unions constitute an economic organ of the highest importance.

150. *The Work of Women and Children.*

In the same way, thanks to such an organisation, we might lessen the effects of the general tendency to the employment of women and children, in so far as that tendency is reconcilable with a healthy social organisation. No doubt woman can play, and ought to play, a rôle of more and more importance in political economy, and she may contribute to the material prosperity of a country by work which is proportioned to her strength, and which corresponds to her aptitudes; but she cannot without serious inconvenience desert the domestic hearth, abandon her children, and be compelled to devote herself to continuous labour which removes her from the cares of the household, and to a fatiguing toil which is harmful to the exercise of her natural function—maternity. As for the child, it cannot be employed

at an early age except to the detriment of its instruction, its education, its physical and moral development, and its technical value. The society which cannot prevent the excessive labour, prolonged or premature, of women and children is not a morally organised society.

151. *The Value of the Workman.*

In a community in which wealth is distributed according to social value, in which the worker is not compelled by the most pressing material needs to sacrifice his rights and those of his wife and children, one of the first duties of every man is to acquire his proper technical value.

Since a social system must be realised, no one has the right to consider himself as exempt from working on behalf of the realisation of this system. The obligation of labour, that no morality but a social morality can demonstrate, seems to me to be rigorously established by the rational subordination of individual to collective ends, by the subordination of a system that is restricted to a system that is wider.

It goes without saying that the word "labour" must be taken in its widest sense, and that it simply implies *methodic* activity continued with effort in order to realise a piece of work, either æsthetic, or of urgent necessity, whether scientific or political. Every man takes up a trade, according to his aptitudes and social needs. That the country requires a large number of farmers or sailors is not sufficient reason for imposing on the majority of its inhabitants the profession of a farmer or a seafaring life: and that is perhaps the

mistake made by some collectivists when they practically ignore individual aptitudes by claiming to dictate to each individual the career he must follow, according to the economic necessities of society. But, on the other hand, if a man have an artistic temperament, that is no reason for his abandoning the plough or the pick, the field or the mine, and thus swelling the ranks of unappreciated painters or musicians. In fact, we have sometimes seen the liberal professions overcrowded and manual labour neglected through our paying too much attention to individual aptitudes and ignoring social necessities.

152. *The Choice of a Profession.*

A man may therefore fail in his duty as a worker although he works with energy and talent, because there has been developed in him an aptitude society does not require, while it claims the equally possible development of other aptitudes.

Social morality therefore enters even into the choice of a profession, and this choice requires both psychological knowledge and sociological data. Parents cannot determine the future of their children, and young men cannot embrace a career without the preliminary inquiry: what are the necessary aptitudes? Does the future worker possess them? Will society need such services?

How useful therefore it would be if minute observations were taken from the birth of the child on his character, his mode of mental development, his tastes both in the family and at school, his sensorial imaginative and emotional type, and his intellectual and practical capacity! Provided with such infor-

mation, the psychologist would be in a position to pronounce an opinion on the value of the professional choice made by the young man or by his family.[1]

Then the sociologist would appear on the scene. In most cases his place might be taken by any judicious observer, who, for instance, foreseeing the development of a taste for architecture or an interest in agriculture, would advise the would-be artist to be an architect rather than a painter, and the would-be artisan to take up an agricultural rather than an industrial career.

153. *The Rights and Duties of the Workman.*

A choice made with discrimination is the most likely to be completely moral. Immediately it is made it involves rights for him who accepts the obligation of working with determination at the realisation of the social system. So far, the child had a right only to the general education and instruction which might adapt him to the special education and instruction which he must henceforth receive. But the right to apprenticeship results from the duty of learning and of specialising, a duty which itself results from the sociological law of the division of labour.

This right devolves on the family, the city, and the State, and even on every more or less restricted community organised in view of the accomplishment of a definite social function—such as, for example, a union or a corporation.

[1] Galton's *Life History Album* (Macmillan) will be found to facilitate the record of such observations. TR.

It is right that the obligation to give the young a professional education should be divided between each of these social groups. In general, the family may assist apprenticeship rather than give it directly. The city and the State may prepare for it very satisfactorily, or may complete it by professional schools; but it is especially to the associations of trades, the guardians of traditions, the depositories of ancient precepts as well as of recent innovations, by which is affirmed the continuity of human effort in a determined direction and on a definite point of laborious activity—it is especially to these modern unions, for which the most brilliant future is on all sides predicted, and which we hope will render the same services as the ancient corporations without reviving their abuses—it is to these that we look for the ultimate formation of the aptitudes of the worker.

The master who nowadays undertakes the duty of forming a workman substitutes himself for the whole body of the trade of which he is sometimes but a secondary element; he is not always adapted to the accomplishment of the task that he undertakes, and often misconceives the extent of his duties. He has a right to the obedience, the respect, and the gratitude of his apprentice, and to the gratitude of his fellow-citizens; but only so far as he has the power and the will to bring into society a new factor of prosperity or happiness.

On the other hand, the workman with respect to whom society has fulfilled its duties of general and technical education has a right to consideration, only so far as he is prepared to furnish to society a factor of progress. It follows that it is his duty to make

himself acquainted with everything connected with his trade, and to bring into it that spirit of discipline and of independence which permits of social reforms and valuable inventions.

As for the workman with respect to whom society has fulfilled all its duties of protection, by furnishing him in free association defensive weapons against every form of abuse, against poverty, against disease, and against the despotism of the capitalist, is it not his duty to strengthen in his turn a beneficent organisation and to develop the moral and material power of his association or of his union? Can he rest content with an increase in his personal comfort while ignoring his duties with respect to the collective wealth and the common honour?

We have seen how the evolution of the forms of property tends to the expansion of individual property, both real and personal. This tendency has been legalised by general considerations and affirmed by a comprehensive conception of a social ideal. It is the same with the tendency of certain communities, professional unions, or other groups having for their end the realisation of a common economical aim. The extension of collective property, which is the object of this tendency, is desirable in order to give material support to professional solidarity, in order to realise more completely the community of interests of the workmen. The individual therefore must labour at the development of the general wealth, and he or his fellows must furnish to his group the best means of defence and support.

VII.

THE FAMILY, FRIENDSHIP, AND THE COLLECTIVE SENTIMENTS.

154. *The Rights of Woman.*

FAMILY evolution seemed opposed to the spirit of authority which dominated the constitution of the ancient family; hence the expression, the "dissolution of the family" so frequently employed to indicate a future which did not so much involve the ruin of the family as the decadence of what had appeared to be its fundamental principle—the power of the chief.

Ought morality to teach woman blind obedience and unconditional submission to her husband? Here it seems that the title of citizen or representative of the State, and therefore of law and reason in the family community, can be bestowed on man alone. He has responsibilities, and he has duties of the most varied nature. The wife, on the other hand, has the most peaceful possible life; she seems to have no right to anything but to protection.

However, the difference between the faculties of the man and of the woman is not so great that we can assert that the subordination of the one sex to the other is necessary in the future. "We do not dispute," says M. Renouvier, and rightly, "that many men are inferior to many women on the very points in which we should say women are as a whole inferior to men. . . . It is true that if the faculties of women and men do not differ essentially, they have

functions which are naturally diverse. It does not follow that woman may be deprived of her right as a reasonable being to determine her own choice and to proceed freely in her own autonomy." M. J. Lourbet[1] asserts that "the apparent inferiority of woman is accidental, provisional, and external in the indefinite evolution of humanity, this inferiority having its principle in the physical minority."

We know that Lombroso and Ferrero[2] have not hesitated to admit that there are natural tendencies to immorality in both women and children. Love of children is the predominant characteristic of the sex. It manifests itself not only in the nervous, muscular, and bony systems, but also in all the other functions—circulation, respiration, secretions, etc. The maternal function injures the intellectual development. "Intelligence varies in inverse ratio to fecundity." Woman is inferior to man from the point of view of the development of the sentiments. If she is more irritable, more demonstrative, and more accessible to the contagion which causes the collective emotions, pain and joy are less profound in her than in man. By a curious paradox woman is equally accessible to cruelty and to pity.

Native criminality is less frequent in woman than in man: "woman is an inoffensive demi-criminaloid." She is much more addicted to prostitution than to real crime. Now prostitution is not a result of degeneration. "Prostitution," says M. G. Richard,[3] "is a matter of exchange. It is one of the features

[1] *Le Problème des Sexes.* Giard et Brière. Paris, 1900.

[2] *La Femme Criminelle et la Prostituée.* Alcan, 1896 (in part translated into English as *The Female Offender*).

[3] *Rev. Phil.*, 1896, t. xlii. p. 529.

of a type of society in which everything is valued in money. It is an abnormal profession which has its own school, its inferior degrees, and its aristocracy. It is a trade to which a child is too often dedicated by its family, with the tacit consent of indifferent authority, especially when the child has that external beauty which is rarely found in degeneration." We may accept this opinion of M. Richard, recognising that many young girls having tendencies to prostitution present the stigmata of degeneration: frequent mental lack of balance, and a remarkable diminution of lofty sentiments, stigmata which show them to be akin to the "morally insane." The establishment of a social cause for prostitution makes us even agree with M. Lourbet that it is "radically wrong to draw conclusions as to the woman of the future from the woman of the past. Contemporary science cannot, by any absolutely determined principle, assert that woman is incurably weak." Why should she have by nature less sensibility or intelligence than man? Admitting with Lombroso that maternity interrupts the development of the highest intellectual faculties, admitting that the various physiological and psychic disturbances which are inevitable in a woman may place an obstacle in the way of normal and perfectly continuous evolution, it must be recognised that the feminine type which we know is—as I have said in my essay on *Mental Instability*—the product of a social evolution which is abnormal rather than a natural fact, and not an immutably inferior type.[1]

Woman becomes more and more capable of work and sustained effort. The competition of the sexes in the studio, in teaching, and in all the liberal pro-

[1] On all these questions see Havelock Ellis, *Man and Woman*. TR.

fessions, is beginning to be quite appreciable. In particular, she brings into her intellectual activity qualities of subtlety, penetration, and vivacity, which in spite of a generally well-marked mental instability make her assistance in the work of civilisation of increasing value.

No doubt, in feminine emancipation there is a pathological side which has been rather hastily considered by all those who consider woman as inevitably condemned to ignorance, fear, submission, and inconsistent frivolity · The desertion of the home, the loss of grace, taste, refinement, elegance, beauty, modesty, and feminine charm, the leaving of children to the care of hirelings, the neglect of conjugal duties, and the hatred of regular life—these may be for a certain time the price that must be paid for the progress realised by the emancipation of woman. But all the errors, all the faults, and all the new vices of a sex which is boldly endeavouring to develop itself along its own lines, cannot constitute a proof of the inaptitude of woman to be more and more a guide to herself and to act as a moral person.

155. *Marriage.*

Marriage was at the outset based on violence. Rape is so frequent in primitive societies that many tribes have retained symbols of it in their matrimonial ceremonies. In our own days marriage rarely implies free, well-reasoned, and reflective consent in the contracting parties. Family traditions, manners and customs, the spirit of caste, and the tyrannical will of parents, often make of the legal union a violation of the individual right. On the

other hand, it is impossible not to take into account the power of impulses, which often impel to acts of violence, and make of fear and the accomplished fact the point of departure of grave injustice.

However, an increasing share is given to the free choice of each, and new guarantees are ever being taken against the pressure exercised by the family or the environment. Marriage becomes more and more a matter of contract between two individuals of different sex, who wish to give a legal basis to their sexual relations, a legal consequence to their union. The State intervenes in this contract, as it does in all contracts which have a legal value, in order to regulate its essential conditions and to assure that they are carried out. This intervention is the first guarantee of respect for the rights of woman and of the accomplishment of the duties which are most generally imposed.

But it is hardly possible for the State to penetrate further into family life, and to regulate the petty details of existence—petty details into which, however, either morality or immorality must enter. As M. Renouvier says,[1] the only moral conditions in the relation of the sexes are prudence and temperance, "the mutual duty of justice and fidelity to explicit or tacit promises, and the recognition of the duties which arise as the consequences of the relation." But is there not sufficient ground for a detailed analysis of those duties which M. Renouvier calls duties of justice? Do not they comprise from the outset the duties of love, which if they are not strictly speaking obligations of justice are none the less the most solid foundation of conjugal rights?

[1] *Op. cit.*, vol. i. p. 573.

To compel a person to love, it will be said, is a contradiction in terms. Is there not such an opposition between the obligation and the spontaneity of love, that if love becomes obligatory it completely disappears? And so it is not a question of obliging one of two married people to love the other, but rather of making love itself the indispensable condition of moral marriage. No doubt it will be objected that there are numerous cases of free, sincere, profound, and lasting love following the sexual union; but as nothing is more uncertain than the appearance of such a sentiment, are we authorised by a few examples of quite fortuitous conjugal happiness to leave to chance the appearance of one of its essential conditions, and to expect as an effect of the sexual union what ought to be its cause?

Some philosophers—men, too, who are not without weight—have offered artificial selection as a remedy for what we call degeneration. Would it not be far better to leave it to natural selection, operating by the birth of reciprocal love and the adaptation of character and temperament. No doubt, if happy results are to follow, this implies the intervention of the reason, called in to moderate the ardour of certain pathological tendencies, and to bring into play impulsive feelings and ends of a scientific or moral order. And besides, this implies a profound modification of the manners of to-day, at any rate in most civilised countries, where the young girl is kept most strictly on her guard with respect to young men, as remote as possible from real life, and is, theoretically at least, ignorant of the part that she is called upon to play in society.

156. *The Co-education and Equality of the Sexes.*[1]

Before we can give a lofty moral value to marriage the education of the young man and young woman must be quite different to what they receive at the present day in France. On the one hand, the young girl must be prepared to fulfil her function as wife and mother, either being adapted from her early years to the social environment in which she is to be developed, or being made strong and really virtuous, instead of remaining a meek dependant, always exposed to the risk of harm if the supervision of which she is the object becomes relaxed. On the other hand, the young man must become accustomed to a respect for the rights of the young woman, and this will be all the easier when she is able to claim those rights with more moral authority.

If, by means of these important modifications in the relation of the sexes before marriage, love may become an essential factor of the sexual relations which are regularised by a public act, woman must not after her marriage lose her dignity as a moral being. She is man's equal, from the point of view of law. "The idea of marriage implies this equality, but this was not the wish of the man. Injustice has made men illogical; and all the derogations which the need of safeguarding personal liberty, and the violation of duty on one side or the other, could bring into the law of monogamy, have been decided exclusively in favour of the man. . . . Unfair laws and even more unfair customs are still

[1] Cf. Comenius, *Didact*, 45; Munroe, *The Educational Ideal*, pp. 80 *et seq.*; Mabel Hawtrey, *The Co-education of the Sexes* (Kegan Paul).—Tr.

in contradiction to the reason which created monogamy, and to this is due the gap between the real and the practical social ideal. Hence arose the establishment of another kind of slavery formed of the pariahs of the family. Contempt for the law of equality in marriage is its source."[1]

Properly speaking then, we cannot have subordination of the woman to the man without moral decay. The harmony realised by good reciprocal dispositions, by the mutual understanding based on common obedience to the prescriptions of reason, can alone secure the stability of conjugal life. When in a family there is a master and subordinates, there is either conflict or abdication, a state of war or an abnormal weakening of will. Marriage and the conjugal life should therefore be founded on reciprocal esteem, on an equal respect on both sides for moral dignity and individual liberty, on an affectionate sentiment so profound and lasting, that esteem and respect will ever form part of those sentiments which can only be experienced at the price of renewed and more and more painful effort.

157. *Divorce and Duties towards Children.*

The right of divorce is the consequence of this moral precept; in fact, as soon as love or affection, sincere esteem, and goodwill disappear in conjugal relationship, why should we be compelled to lead a common life which becomes more and more unbearable? In the days of barbarism, when woman was considered as an instrument of pleasure, one of the

[1] Renouvier, *op. cit.*, t. i. p. 579.

greatest tasks of the State, in those days intimately connected with the Church, was to prevent the incessantly reappearing scandal of repudiation for purely sensual reasons. Divorce was then proscribed, and the indissolubility of the religious and civil bond was energetically affirmed. But in proportion as we advance towards a social state based much more on right and duty than on force and caprice, divorce becomes an indispensable auxiliary of family morality—so long as it is only pronounced in well-defined cases, and with all the guarantees that can be offered by a social measure regulated by well-defined laws.

If there are children of the marriage, the question of divorce becomes from the moral point of view still more complex, as it is no longer solely a question of assuring respect for the individual rights of the husband and wife, but of securing the accomplishment of the obligations they have contracted with respect to their children. From the sociological point of view, the principal *raison d'être* of the family is the duties that parents owe to their children. The family, like the city and the State, has as its end not so much the exercise of a power as the accomplishment of duties. It is not so much a question of what the pride of the Roman father, the *patria potestas*, did of old, as of the numerous obligations that nature and reason impose on parents who are desirous of playing the social rôle which begins with the very birth of their children.

The solidarity of human generations, succeeding one another and leaving one to the other the acquisitions of past centuries added to those of the present age, makes the duty of the present generation to be

an incessant preparation for the social future. Society is like a living being, which tends to persevere in its being and to develop it. It endeavours to persist, and therefore it assures itself of the future by the procreation and education of children. The first organ of social survival is the family. It may be compared for two reasons to the organ of reproduction: first, because it has effectively for its end the birth of new social beings; and, secondly, because by the early education that it gives, it perpetuates the collective tradition, and transmits to new generations the spirit, the manners, the language, and the aptitudes of previous generations.

If we can no longer speak of the rights of children, at least we may consider the rights of humanity looked upon as a kind of moral personality, as a system in process of realisation, whose requirements create duties to each successive generation, duties which become greater and more numerous in proportion as we advance in the way of civilisation. The family responds to a certain number of these requirements which are perceived and affirmed by the reason. Hence spring the duties of parents to their children, quite apart from the fact that the natural sympathy of strong for weak beings,[1] the sentiment of tenderness to the children that one has brought into the world,[2] must determine dispositions favourable to their spontaneous accomplishment.

The general duty of procuring for the child all its material needs, food, clothes, etc., is not, in fact, of

[1] Spencer sees in this sympathy the foundation of paternal and maternal love.

[2] Cf. Bain and Espinas.

greater importance from the human point of view, than that of procuring for it an intellectual and moral environment favourable to the birth of those social aptitudes and virtues which will enable it to become as perfect a man and citizen as possible.

There is therefore a grave objection to the dissolution of the family, either by the hasty dispersion of its members, or by the divorce of the wedded pair.

There are many cases in which a persistent example of scandalous conduct is a greater obstacle to the proper education of children than even divorce itself. There are other cases in which, in spite of the profound disagreement of parents, a common solicitude for their children obliges the husband and wife not to give up living under the same roof. The sense of the duties contracted with respect to the children should survive the ruin of love, affection, and esteem. Divorce, the deliberate weakening of the family spirit, may therefore in many circumstances assume a character of immorality, and constitute a crime with respect to society.

158. *Duties of Children.*

We may speak of the duties of children towards their parents, since the former seem to have a function to fulfil with respect to the latter, and yet there seems to be no reciprocity. Classical morality teaches obedience and respect as the principal duties of the child. Now, no beings as irreflective as children, with a moral conscience as wavering and weak as that of children, can understand duty and really practise moral obligation. They have only the habits and rudiments of customs that suggestion

or education, and the example of the natural authority of strong and reasonable beings have given them. When they obey it, it is either because they have not the least doubt as to the importance of the command they have received, or because they fear punishment. The authority that parents have over their children comes to them rather from their firmness, their justice, and their constancy, than from the budding morality of young beings in whom there scarcely yet exists either affection, or spontaneous sympathy, or gratitude for the many cares and many kindnesses that have been shown them.

And when it is a question of young people who are capable of reflection, of reasoning, and of understanding a moral obligation, the obedience that is due is limited, for the very reason that a moral conscience is entitled to a certain independence, and there is no true morality without free appreciation and an adhesion exempt from restraint. The more the young man exercises his reason, the more he is independent from the moral and the legal point of view. His parents no longer represent to him wider experience. They may have an intellect less capable than his own, a less powerful mind, and a less reliable practical judgment. Often they represent the past, that is to say, the conservative and timid spirit, the enemy of reform and of bold and generous enterprise.

There may be disobedience on the part of the children, or, at any rate, nonconformity with the advice of parents, without its involving any lack of respect. Respect, in fact, does not really exist until the moral being is in the presence of a person having a high moral value. One may differ in opinion with a person whom one respects; but we

must find in that person sincerity, and a keen desire to possess the truth and to do his duty.

The quite young child has no real respect; he has either fear, if he has been accustomed to brutal treatment and threats, or a kind of simple admiration, such as Mr. Baldwin[1] has pointed out, for those superior beings who seem to him to know everything, to be able to give him the final explanation of everything, and who never deceive him either in word or act. In the young man and the adult there is more often deference than real esteem, and we cannot say that respect for aged parents ought to be greater than that which is due to honourable and famous old men. But the sentiment which is not imposed, and which morality does not place in man's heart, and which can be always fortified by showing how lawful it is, and how well it agrees with the family spirit of sociability, is filial affection, the love for those beings whose devotion and self-denial have often been the admiration of persons outside the family community.

Thanks to this strength of paternal and maternal, as well as of filial love, the union of the different elements will not remain the mere effect of moral will. The spring of all social life is disinterested sentiment, and nowhere is it more necessary than here.

159. *Friendship and Fraternity.*

The tendency to sacrifice, not to remain closely circumscribed by the first community with which the individual comes into contact, a community formed

[1] *Moral and Social Interpretation of Mental Development*, 1899.

at its birth, which sometimes develops what might be called "family egoism," should find support in friendship. To have friends is a duty; the man who has no friends is not in general a moral being. In antiquity, friendship took precedence of love.[1] It became in the days of Aristotle, Epicurus, and the Stoics, a kind of social virtue from which even the selfishness of the Epicureans did not venture to free itself.

Long before, and in all primitive societies, the sentiments of devotion to a friend, of sacrifice for a comrade in arms, were celebrated as noble and worthy of heroes. Friendship only flourishes in the midst of complete social activity, hence the Middle Ages were fatal to this sentiment. The commercialism of the present day is equally fatal to it, but the incontestable development of tendencies to solidarity favours it. No doubt the love of one's fellow-creatures in general, and the union of our destiny to theirs does not involve that freedom, confidence, expansion of feeling, and community of tendencies which make friendship. But friendship is at any rate the highest degree of human solidarity, and everything which contributes to the expansion of our generous nature is in favour of healthy relations between men who have daily relations with each other.

With Aristotle, and in spite of a different conception of the value and of the rôle of woman, we do not consider love and friendship as incompatible. On the contrary, the love which is not allied with friendship, and which is only based on tendencies

[1] Cf. Dugas, *L'Amitié antique*, Paris, Alcan. Aristotle thought that women should be the friend of man, as I have shown in my course of Lectures at the Collège des Sciences Sociales in 1901.

which are very easy to satisfy, is only ephemeral. Friendship thus penetrates the family life, and when it is a question of children in the same household, it takes the name of fraternity.

In fact, from the sociological and psychological points of view, there is no difference between the sentiments that brothers and friends experience for each other. There is the same confidence, devotion, and community of interests. For, if brothers have common family interests, friends have intellectual, æsthetical, and political interests in common; and if we compare the power of both from the point of view of the stability of the ties of affection, it must be admitted that the latter are more efficacious than the former, and that the former must be reinforced by the latter in order that the union of brothers may remain cordial and perfect.

160. *Man in Relation to Animals.*

If fraternity, friendship, and family relations cannot make us forget the solidarity of all human beings, and must remain inseparable from the tendencies to the universal good, must not our widest humanitarian sentiments be reconciled with the sympathy which might be extended to the whole animal kingdom?

The struggle of man against the species which endanger his existence or his subsistence is lawful and necessary; but the torture that is sometimes inflicted on brutes and wild beasts is more than unnecessary; it is hateful, for it betrays low sentiments and morbid tendencies to cruelty which are unworthy of man. It is sufficient for a race of reasonable beings to guard against the risks that their

work may run, and the risks that they themselves may run, from the representatives of the lower species, different as they are from the most bloodthirsty and the most ferocious criminals, because of their incapacity to amend their ways and to approach even ever so slightly to the position of moral personalities.

A fortiori it is unworthy of man to ill-treat the domestic animals which do him service and are his living instruments. Incidental considerations of a metaphysical order should bring us to see in these inferior brothers beings to be ever improved and raised above the level they have already attained, and therefore to be taken not only as means but also as ends. In this way the rights of the animal would be akin to those of the child. But a morality which has a psycho-sociological foundation would recognise real rights in beings with no real sociability; just as companies of animals can only be called "societies" by analogy, so the title of animals to our sympathy and to our benevolence can only be called rights by a distant analogy to the rights of reasonable beings.

We have towards animals duties which are a part of human obligations properly so called. Animals have no rights over us, but we have rights over them on account of those duties of protection and benevolence, etc., which we agree to fulfil, and especially because of the higher mission which man has undertaken to organise nature as a whole.

161. *Genuine Human Sentiments.*

For the better fulfilment of this mission, humanity is profoundly distinguished from animality by the

development of the characteristic collective sentiments of a reasonable being.

In fact, nothing is of more importance than the systematisation of the common tendencies by which the social body imposes upon the individual certain inclinations and certain ways of thinking, feeling, and acting, which, in default of individual morality, none the less cause the elevation of the moral level in a nation or a race.

For the individual to be almost without difficulty or effort courageous, clever, wise, and temperate, his environment must esteem all the virtues which he wishes to acquire. This environment must be for ever holding them up to his admiration, and must teach him nothing but aversion from vices such as brutality, theft, vengeance, hypocrisy, immodesty, intemperance, selfishness, etc.

It is wrong to consider such qualities as frankness, veracity, modesty, boldness, sobriety, keenness for work, and faults such as dissimulation, effrontery, debauchery, and idleness as private virtues or vices, only having an indirect relation to social morality.

In general, it is the predominant sentiments in the social environment that cause these individual qualities and defects. We see the vices that I have just mentioned rapidly extended in certain quarters, certain cities, or certain nations: hypocrisy—because the popular sentiment being in favour of formalism imposes a feigned generosity on avaricious or poor people, feigned nobility of mind on the mean spirited, feigned knowledge on the ignorant; debauchery—because luxury, commercial tendencies, and a liking for inferior appetites, have

succeeded in obliterating from the public mind the taste for beautiful things, for science, and for labour; selfishness—either because the spirit of economy and of mediocrity has become general, or because competition has developed in a more or less extended circle the craving for material interests or success. And so with many other bad habits more or less harmful to collective morality. For the public virtues to be gathered into a single group like individual virtues, for them to be closely connected one to the other, and for the development of the one to be concomitant with that of the rest, we must appeal to the most complex collective sentiment, and it can only fully exist in the common consciousness when all the others exist therein.

Now, true charity is the love of one's fellows with a view to their continuous perfection; true solidarity is that of beings united by a common nobility of sentiment. To be charitable in the widest sense of the word one must be very powerful and virtuous. If the charitable sentiment is the predominant sentiment of a whole community, it cannot injure individual liberty, equality, or rights of any kind. Nothing that can injure the perfection of the individual and that of the community can be tolerated in that sentiment.

For this lofty tendency to be satisfied, the scientific, critical, and æsthetic tendencies which lead to the possession of truth and artistic enjoyment, and which also have as their consequence veracity, frankness, independence of mind, and disinterestedness in speculation and contemplation, must also as a preliminary be satisfied.

When a city is proud of the wisdom and the

talents of its principal citizens it is already not very far from being virtuous. When the taste for instruction, for the formation of the mind is developed in it, superstition, custom, and vile appetites are already on the decrease. Religious sentiments may sometimes have a happy influence; when they are pure, or inspired by metaphysical belief rather than by simple faith united with ignorance and superstitious fear, they have an indisputable æsthetic and intellectual value, and their absence cannot but be harmful to the moral elevation of a city and of individuals.

The search for truth and the love of the beautiful can only be accompanied by tendencies to healthy and practical belief which cannot exist without courage, ardour, worth, firmness, and many other virtues which make man upright and strong, and the community powerful and honourable. The spirit of chivalry which springs from a vigilant opposition to everything that affects one's honour, and to everything which reveals the abuse of power, is the natural consequence of loyalty, courage, and generosity when these sentiments are held in honour in the community. As a correlative of this spirit in man we have in woman the sentiment of modesty and reserve, which is contrasted with the spirit of luxury or ostentation, and the gross manners inspired by low inclinations. Modesty has increased as a collective sentiment in woman in proportion as civilisation has freed her from a despotism and from a very often degrading yoke.

The more independence a woman has the more she must abstain from provoking in man those sensual feelings which are founded on a lack of respect for

the moral person, and which have as their effect brutal aggressions or insidious tactics which are more characteristic of the lower animals. Moral dignity is imprinted on the chastity of the maid and the wife, and that is what makes it so valuable to the common conscience. When the public spirit allows without protest immodesty, debauchery, and prostitution, the existence of the worst vices may be suspected.

The spirit of moderation, tendencies to sobriety and frugality, on condition that they do not involve a reprehensible taste for mediocrity, constitute the very basis of public virtues. A people prone to excess in love and in hatred in its appetites and in its inclinations, lacks stability, and places an insuperable obstacle in the way of all moral discipline.

Thus, from the sentiments of moderation to the spirit of charity there is a hierarchy of collective tendencies, and the regular development and subordination of these tendencies to a sublime sentiment of fraternity can alone assure social and individual morality.

PART IV.

THE STRUGGLE AGAINST IMMORALITY.

I. SOCIAL RESPONSIBILITY.

162. *Conditions of Responsibility. Intention* — 163. *Errors of Appreciation*—164. *Insufficient Deliberation* —165. *Irresponsibility*—166. *Possible Modification of the Character*—167. *Imputability*—168. *Social Action.*

II. SANCTION AND MORAL EDUCATION.

169. *Rôle and Nature of Sanction*—170. *Happiness the Natural Consequence of Moral Action*—171. *Merit*—172. *The Immorality of Punishment*—173. *Utilitarian Rôle of Punishment*—174. *Moral Suggestion.*

I.

SOCIAL RESPONSIBILITY.

162. *Conditions of Responsibility. Intention.*

WE have now seen how individual and collective morality are each in turn subordinated to a system of tendencies, any defect in which involves crime, misdemeanour, or fault. For good actions to be accomplished, the individual, the State, the family, the association, the city, should be submitted in their evolution to certain rules which flow from a scientific conception of the social ideal as a whole;

each element or group must have its own tendency, but that tendency must be harmonised with the tendency of the whole.

If it be not so, and if we may not hope that it will ever be so,—for no doubt there always will be in a system as complex as humanity disorders, abnormal facts, and reprehensible acts,—who are the guilty? and how are the guilty to be punished? or rather, if there are no guilty whom one ought to punish, on whom should fall the responsibility for misdemeanours, and what ought to be done to prevent repetition of the faults?

Let us first examine under what conditions responsibility is established. Moralists from the days of Kant have as a rule connected responsibility with intention. Let us then analyse this new fact.

Kant endeavoured to reduce intention to moral respect, and this respect to a sentiment of disinterestedness and humility in our ego, and of admiration for the moral law.[1]

Besides, Kant perceived little in the throng of motives antagonistic to morality but egoism and presumption (self-love and self-satisfaction). In that case, the moral idea can only consist of an antagonistic sentiment which is also but slightly complex.[2]

Moral intention in the psychological processus must be replaced by voluntary deliberation, so that we may see simultaneously its variability and its importance. The vague sentiment of doing one's

[1] Cf. "The springs of pure practical reason," *Kritik of Practical Reason.*

[2] *Ibid.* p. 130.

duty cannot satisfy us. We desire to fulfil a determined obligation, and as far as possible to fulfil all the obligations the totality of which gives us a *function* in the social system. Now can we simultaneously perceive all our obligations? can we under given circumstances think of the manifold duties which are incumbent upon us? Is not the time for the deliberation which is at our disposal for evoking our different obligations almost always too short considering the weakness of our intellect; and are we not in a large number of cases conscious of our limited aptitude to examine every side of a question, and to judge of all the consequences which immediately result from our acts? (I do not speak of remote consequences, most of which escape us.) And does there not follow from this intellectual incapacity a sentiment, almost of melancholy, which makes us decide to act while we are fully conscious of running a risk, the risk of self-deception? But another sentiment immediately springs into being by contrast, that of having done as much as possible to diminish the importance of the risk that is run.

Those who are not conscious of their relative intellectual weakness, of their incapacity to perceive all the consequences of their decision, do not experience this feeling of risk. They have no anxiety beyond the sphere of the effects foreseen.

For these effects to be accepted, and for their cause to be admitted with moral intention as the end of the voluntary act, they must satisfy certain tendencies. Now it very rarely happens that this is a simple desire for systematic action, purely moral, and constituting the whole intention. It may happen that certain tendencies, some generous, others selfish,

some æsthetic, and others quite inferior, may all share in the voluntary determination and combine their influence. Frequently one desire appears as predominant and masks the importance of others, less lofty or quite different, which also urge to action, and are inseparable from moral intention properly so called. And further, the desire for rational ends, for action morally good, may appear in us after selfish desires or appetites of an inferior order have already determined our choice, and when the moral intention is only a cloak under which are disguised quite different intentions, of which our conscience is the dupe.

What is then in this case the value of intention from the point of view of the responsibility of the agent? Shall we say that because the intention was good, because the agent sincerely believed that he was doing his duty, he is not responsible for the fatal consequences of his choice? Is it not far better to see the real motives of the voluntary decision, and ought we not to consider the efficient factors rather than the apparent factor?

163. *Errors of Appreciation.*

How many people are deceived as to the moral value of the ends which they propose to themselves, and of the desires which urge them to propose to themselves such ends.

The old Socratic doctrine which declared that no one was voluntarily wicked, borrows some force from this consideration. Few men are conscious of the baseness of their motives, and almost all are under an illusion as to the real motives of their voluntary

decisions. How can a being, born amid prostitution, brought up in the low quarters of a great town,—how can he, in his physical and moral degeneration, conceive as immoral the highest tendencies that he has ever known within him, tendencies which, in reality and for a man in other circumstances, would be gross appetites? Would he not abandon himself to these inferior tendencies, which, to be curbed, require the most elevated inclinations and complete self-control, because he ignores inclinations which have proved to be the moral safeguard of others?

It may be objected that he knows perfectly well that he is doing wrong. The proof of it is in his dissimulation. He hides himself in order that he may gratify his grosser appetites. We are too often deceived in this matter. The being that is inferior from the moral point of view sometimes flees from social reprobation, sometimes fears the police, and knows that he is acting contrary to the prescriptions of law and morals; but either he cannot resist his all-powerful appetites—he is obsessed by them, and must give way to more and more violent impulses—or he hates the society that he fears, he mocks at morals that he cannot understand, and he breaks the law in which he sees only a formula of oppression, and not an expression of moral obligation.[1]

In the first case he must be satisfied by the struggle, although it cannot issue in an effective

[1] This is the case with a young man named N——, who was condemned at the Assizes of Orne for indecent assault, and who was declared responsible for his acts because he hid himself in order to give way to his instincts as an inferior being. He was unanimously considered to be "unintelligent."

abstention from wrong. This delinquent or criminal is not voluntarily wicked, but is so against his will. In the second case he hides himself, and flees before a force superior to his own; but he does not see in that force anything moral; he does not see in his own ends anything wrong or immoral. If he does not know what is forbidden, he does not understand why it is forbidden. He does not therefore do wrong in order to do wrong; he does it because what we call wrong is nevertheless to him the best thing that he can think of.

The man with really evil intentions, the criminal who refrains from doing good because it is good, who struggles against social institutions because they are the creations of public morality, who slays, robs, and slanders in order to assert the wickedness of which he is conscious, and which he knowingly fosters within him,—has such a being as this, a being abnormal in the highest degree, ever existed? If, therefore, we ought only to be responsible for crime when it has been committed with evil intention, we never would be responsible. Moralists who have made of intention the foundation of responsibility have therefore considered as contrary to good intention any passion, tendency, desire, or appetite, other than disinterestedness and respect for the law of duty.

But how many acts useful to society, useful to the development of a moral, social, or individual system, are due to tendencies or even to appetites which have not been accompanied by any sentiment of respect or disinterestedness? Must they therefore be condemned? and if it is absurd to consider them as immoral, where will immorality in intention begin?

There will probably be only amorality. There will only be two categories of beings—moral beings and amoral beings.

164. *Insufficient Deliberation.*

If, when we wish to attain an end and make our arrangements to that effect, we realise an end that could not be foreseen, this is called accident (the identical definition given by Aristotle), chance, fatality. In it there is no merit, nor is there crime, misdemeanour, or fault. And this is much more the case when the consequences might have been foreseen, although they were not. The sportsman who fires into a public thicket where he must have known there may be other sportsmen, commits an act of serious imprudence. His deliberation has been insufficient. He has not summed up certain motives for not firing into the thicket, and he ought to have done so for his act to be marked as the result of the exercise of reasonable will.

If he has done so, and yet the desire of firing was the stronger; if the fear of an accident vanished from his mind or barely arose, his responsibility is even greater than before. He ought to have fortified in his mind the motive of abstaining, strengthened it by fresh motives, and fixed his attention on this important point.

But if in the first case the fear of accident has not arisen, and if in the second case it has not persisted, the psychologist ought to discover why. Perhaps the sportsman was not intelligent enough to embark upon such subtle considerations. Perhaps he lacked generous sentiments, or was urged not

to prolong his reflection and deliberation by his selfishness, or by his levity, or by the simple attraction of pleasure. If he lacked intelligence or feelings, if the impulse to seek a pleasure destroyed in him all power of reflection, and inhibited every antagonistic tendency, and if, although it was *morally* his duty to deliberate in a certain manner, and *psychologically* he was unable to do so because of his mental debility, what becomes of his responsibility? Is it greater than that of the dog which, while playing with a little child, upsets it on the ground and seriously injures it?

In most cases, when the course of deliberation is too hastily interrupted, it is at a given moment, and either the circumstances require an immediate solution, or perhaps we have reached one of those states of consciousness which can persist during a certain time, and which are marked as halting-places in the course of the mental processus. Why at this moment does action begin to succeed to speculation, instead of allowing the latter to continue? Is it due to a kind of intellectual lassitude? In certain cases it might, in fact, be too fatiguing for the mind to continue to deliberate and to discuss the pros and cons.

In most cases there is probably an impatience to issue from a painful state of indecision. Here it is that the character plays a considerable part; according as one is quick or slow, ardent or temperate, the painful sentiment which accompanies every deliberation leads more or less quickly to a solution which is very often hasty in the first case, and sometimes too slow to arrive in the second.

How can a man be considered responsible for

the temperament and the character which thus determine his hasty choice?

No doubt a means of making ourselves responsible for a check midway can be imagined. It is said that, if we are free, our liberty consists in not allowing our choice to be fixed until after a certain interval of deliberation; thus, Malebranche believed that owing to liberty, "the impulse that we have towards the universal good is not entirely checked by a particular good. The mind is urged to go further. . . . Liberty consists in being able to suspend its judgment and its love, and later think of other things, and therefore love other forms of good."[1]

But Malebranche conceived a limit to this progress of the mind in the consideration of good. It was a question of reaching by liberty "that which contains all good"; so that liberty and love of good being synonymous, a strong tendency to satisfy God, was the exact equivalent of liberty in the system of Malebranche.

This tendency might be more or less powerful, and according to its power in each being, Malebranche conceived those beings as more or less free. In the same way we have recognised in every man a strong tendency to systematic action, to conduct that is quite coherent in itself and well co-ordinated with that of all its fellows in view of a common end. According to the power that this tendency has in him, the moral agent pursues his deliberations, more or less at length, with the object of only adopting a decision that is in conformity with his reason. Is that liberty? and can one be said to be responsible

[1] *Recherche de la Vérité*, Vol. i., Bk. i., Chap. i.

because one has weaker or stronger tendencies, because one has a more or less marked taste for systematic activity *quâ* an individual and moral being?[1] We must, in particular, remark that here is an essential tendency, one of those that some of the habits instilled by education or acquired by prolonged effort cannot succeed in establishing within us.

We are born more or less reasonable, more or less adapted to moral activity, just as we are born more or less able to represent to ourselves colours or sounds.

And so it is with all those lofty tendencies which we have recognised as indispensable to morality, the sum-total of which, as we have seen, forms the moral character. Are we responsible for the absence within us of a generous tendency which would serve as an antagonistic reducer to a low passion? But then the question presents itself as to how far we share in the recognised irresponsibility of the insane.

165. *Irresponsibility.*

This is one of the most important questions in morality. For if vice is a natural product like sugar

[1] Besides, experience shows that prolonged deliberation is sometimes injurious to rational action. There are people who cannot make up their minds to take a side, who are ever summoning up new ends and feelings in contrary directions, so that the conception of the act is modified while the clearly conscious desires become enfeebled, while appetites are obscured, and while tendencies assume greater and greater authority. Thus we reach the state in which we no longer decide for clear and assignable reasons, for reasons capable of being formulated into judgments and reasonings of objective value, but simply by sentiments, by a kind of impulse rising like a huge wave from the depths of the unconscious.

and vitriol, if it no longer depends on men to remain virtuous and to become vicious any more than it depends on them to remain healthy-minded or to become insane; *a fortiori,* if certain unfortunate creatures are born criminals just as others are born mad, or of incurable mental weakness: if misdemeanour is always or almost always inevitable, what is the use of morality? what is the good of a theory which proposes to us an ideal and rules of systematic conduct, which we necessarily misunderstand, and the more inevitably as we are nearer in the psychic hierarchy to that inferior degree which corresponds to the maximum of moral insanity? The intimate relation between crime and degeneration is, however, more and more probable. If we distinguish, in scientific environments, between morbid and ordinary crime, it is no doubt because of the medico-legal preoccupations of most alienists who are compelled, in the presence of a criminal, to give an opinion as to his irresponsibility, and in general as to his confinement in a lunatic asylum, or as to his responsibility with the legal consequences that it involves. They must therefore arbitrarily establish a certain degree of intellectual and affective trouble above which the delinquents are declared responsible, and the principal difficulty of their task lies exactly in that arbitrary determination. The motives for impulsive crime are grasped easily enough, and from the moment they are grasped we excuse the wrongdoing to that extent; but we no longer can grasp the motives of a crime that is committed in cold blood. There we see the intervention of will, and admit a much greater culpability; but the voluntary crime and the impulsive crime are alike determined by a motive. The

surprising thing is that the act in the first corresponds to so slight an interest, whereas in the second, impulse has given so great an interest to the wrong that has been done. One is surprised to see that to procure a transient pleasure for the petty satisfaction of self-love, or even for less still, a prolonged deliberation may have issued in lavish precaution and skill in the execution of a cleverly conceived design.

And is not this precisely the sign of the pathological character of such an action and such a mental processus? We are presented with a kind of dilemma: either the interest was considerable, and in that case the crime is similar to impulsive crime—the crime and the criminal are alike pathological; or there is practically no interest, and then the action becomes inexplicable by the determining causes of normal action, and the crime is pathological. For how can we admit that except from mental aberration a reasonable being prefers an act which, if it were normal, would be opposed by his social tendencies and the sentiments that are innate in him and developed by education? He cannot therefore experience those sentiments which in healthy-minded men serve as a counterpoise to tendencies to offensive action.

Or will it again be objected that the influence of the will is capable of keeping the attention freely on the motive which, it would have seemed, ought to have been the weaker, and which thus becomes the more powerful? The hypothesis of a free will capable of arbitrarily modifying the natural play which constitutes deliberation is, as I have said, a metaphysical hypothesis which, like all similar hypotheses, has the grave inconvenience of introducing an

entity, the will, which we can only indicate without exact definition. Science ought to be content with facts and laws, and the factors of will are, as we have seen, choices determined by the nature of the character and by the tendencies essential to the individual. If, therefore, a motive that is very feeble in upright and honourable people is suddenly found in an individual to have the support of his whole ego, so far as to reduce to nil the effect of all other motives, and to orientate in a criminal direction the processus of deliberation which issues in his so-called free choice, is not the character of that individual exceptional and abnormal in the highest degree? Is not this individual a being of a fundamentally pathological nature?

We thus come back to what we said before, namely, that he lacks tendencies that are indispensable to the normal being, and that among those essential tendencies are not to be found those which he ought to experience in order to have a normal nature.

166. *Possible Modification of the Character.*

Can it have tendencies, and, having them, can they be preserved? Not having them, can it desire to acquire them? These questions require further examination as to the way in which the man may lose or acquire essential tendencies, tendencies dominating his mental evolution, or in all cases strong enough to direct his conduct. Can it happen by his own effort alone, and in virtue of his own choice? Yes, undoubtedly it can, on condition that it is by the development or natural transformation of pre-existing tendencies and fundamental appetites. But if these elements or rudiments do not pre-exist,

neither natural effort nor even education can bring them into being, and the individual we are considering must then be classed among the morally insane whose moral debility is congenital.

On the other hand, moral tendencies are so complex that at first they may be affected by a slow dissolution of the personality, and nothing can prevent their natural decay or their ultimate disappearance. Here then is a being, apparently provided with free-will, but to whom deliberation and will are no longer of any use from the moral point of view, and on whom only quite simple impulses make any impression. You call him a responsible criminal. He is already, although it is not apparent, nearly related to the "morally insane."

The impulsive man may be of a less morbid nature. Passion, in fact, is inhibitive to tendencies that it cannot subordinate to itself. It does not destroy them, and when it has passed away it may leave dominant the very tendencies that it had overshadowed. Its development, up to the paroxysm that is sometimes so fatal, can only be due to an excessive compliance in the subject with certain of these inclinations or certain of his appetites to an indolence which certain situations and certain circumstances encourage. The impulsive criminal would be able in most cases to escape from the thraldom of passion by an energetic intervention of his will, that is to say, by an appeal to all the tendencies of his character—tendencies which may be normal, and which in their totality are the constituents of a normal nature. If he had been accustomed to self-control he might have avoided his crime. He is therefore more guilty than the man who finds within

himself in the depths of his being, however prolonged his deliberation may be, no tendencies capable of opposing an abnormal desire.

It is right to say that voluntary crimes reveal a fundamentally vicious temperament, while impulsive crimes are generally committed by occasional misdemeanants. But for that very reason degenerates of every kind, attacked by a more or less characteristic moral insanity, must be brought into close relation with the authors of voluntary crimes. As for the impulsive, they are also morbid, for the impulse which leads to crime can only be developed and become omnipotent in a being in whom mental instability, and, in particular, the instability of tendencies, is already great enough to constitute a serious blemish. Therefore criminals, to whatever class they may belong, must be considered as diseased; they either have lacked stability in the tendencies that are characteristic of a responsible man, or they have suffered a check in their development, or a reversion which has deprived them of some of those tendencies, while it weakens their power and causes them to disappear, and to make way for others which have very soon become morbid.[1]

167. *Imputability.*

But, many moralists will object, if we go back in this way from responsibility to responsibility,

[1] In fact, it is ascertained that criminals in general present a morbid exaggeration of tendencies either of nutrition, or reproduction, or the preservation of the personal existence, or of some of the tendencies derived from these. That is why M. Lacassagne divided criminals into three categories—frontal, parietal, and occipital—according to the supposed localisation of the different tendencies.

imputability ends by being lost in the waves of an indefinitely remote past, and of a totality of circumstances indefinitely remote. We must therefore distinguish between moral responsibility and imputability. We have already seen that if the partisans of liberty reap nothing from ignorance as far as the point of departure of our character is concerned, neither can it profit those who prefer to argue from fatality or universal determinism in order to excuse their errors.

The legislator and the moral agent have both the right and the duty of considering the positive datum of a primitive characteristic which is irreducible, and which is the origin of the acts accomplished by the personality. It is to this character, which is at once the starting-point and the point of departure (the effect of manifold influences of sociological, psychological, biological, physico-chemical, and mechanical influences, but the immediate cause of new series of phenomena which could not have appeared without the constitution of a fresh personality), that we must at first look for the reason of a crime or misdemeanour. If it were committed through weakness of tendencies or character, we might ask the agent to strengthen what is best in him, what ought to become predominant; and if he does not do so, although he has the power, he is responsible for the crimes which his weakness involves. If the crime were committed through fundamental wickedness and through baseness of that character which is a product of factors, does that mean that he has no responsibility? No doubt, the individual has none; but because a morally insane person can no longer resist his impulses or cannot actually give to his

accurate reasonings the practical consequences which they imply, does it follow that society could not, by commencing at a sufficiently early stage a specialised education, give this patient the means of avoiding crime, develop in him healthier sentiments, and give to his sensibility and to his practical judgment an impulse of another kind?

168. *Social Action.*

It is objected, that from their earliest years many of the morally insane have been incurably unresponsive to educative action. But is not this because the education they have received has not been in the least suitable to their temperament and their character? And is it not also because the education received by criminals who are not considered insane has been insufficient, incomplete, ill directed, and too early abandoned, that they have committed a crime which perhaps their temperament, left to its free development, has rendered inevitable?[1]

What the individual is powerless to determine or to check in himself, the community may create or prevent by the means at its disposal, so powerful is their action on the individual mind. Society no doubt is also subject to a determinism; but we can clearly see whence, in decadent communities, in a process of dissolution or morbid evolution, comes the stimulus or the check that these communities no longer find in themselves. In fact there are always,

[1] It is sufficient here to point out the complete absence, at any rate in France, of asylums for the treatment of criminals of limited responsibility, in order to show how remote we are from the time when an appropriate education will be given to degenerates who are predisposed to criminal action.

side by side with communities of a given temperament, communities of a different spirit whose quite different future influences the future of neighbouring communities. A nation or a race exercises its happy or unhappy influence on another nation or on another race, and there is an incessant overlapping of actions and reactions between the different societies in the world; and this causes social determinism to differ in other respects from the inevitableness which involves an irremediable collective decadence.

Hence for individuals there are remedies and preventives of social origin, just as there are remedies and preventives for families, cities, and nations in the wider communities of which these elementary communities form a part. (For this subject *vide* my treatise on the social causes of insanity, a criticism of too narrow a conception of sociological degeneration.)

Now if there are incurable criminals, there is no social incurability. Humanity can amend itself indefinitely by destroying in its midst all the social causes of mental insanity, of moral insanity, of psychological debility, and of instability or morbid stability of the mind. No doubt a collectivity cannot move more rapidly than the present state of its civilisation permits. The moralising power that it may exercise over itself is certainly limited; but it can make no mistake when there is an increase instead of a progressive decrease of criminality and immorality. When there is an increase in the number and the importance of misdemeanours and crimes, we may fearlessly assert the very wide responsibility of society with regard to individual faults.

The question is how to find out what remedies

and preventives of social origin will have an effect on criminals or delinquents,—if not on all, at least on most of them, and certainly on a special category of social beings.

II.

SANCTION AND MORAL EDUCATION.

169. *The Rôle and Nature of Sanction.*

SINCE men come to a decision under the influence of sentiments much more than of the conclusions of pure reason, and since there must always be with the directing idea a rather strong tendency to make the idea effectively directing, to such a point that the keenest intelligence can do nothing for the morality of an agent when his sentiments are bad and irremediably low,—since this is so, it is quite fair to appeal to means drawn from the psychology of the sentiments to give to the civil law a power over the mind, a power which it does not hold from the simple enunciation of the prescription.

Thus all legislatures have *sanctioned* rules of conduct which they promulgate by penal dispositions involving pain to the delinquent in the case of non-observation of the law. The fear of pain has seemed from all time to be the most efficacious motive that it is possible to awaken in the mind of man with a view to the accomplishment of his social duties.

Ipso facto the idea of sanction has been intimately associated with that of pain or its contrary—reward. However, it is possible to arouse other motives than the desire of reward or the fear of punishment.

According to circumstances we may appeal to the æsthetic, family, or civic sentiments, to sympathetic emotions, and to generous tendencies. The law may present itself together with considerations capable of stirring the heart and of impressing that law profoundly on the mind. It may be reinforced in its authority by the respect that is inspired by its very origin; instead of being a simple prescription, often apparently arbitrary, it may be presented as the very consequence of certain effective desires.

In fact, laws are generally respected because of the fear inspired by the thought of reprisals, exercised by the chief or the caste which issued the rules of common conduct. Men have governed men as they govern animals, much more by force than by persuasion. Besides, pain has another origin than the desire of sanctioning a law; punishment and crime existed before written law and judicial forms. The breaking of traditions, acts opposed to prejudices, customs, and to the tendencies of primitive people, all involved violent reactions of the multitude against the individual. Death frequently followed the slightest breach of the tacit prescriptions of a people or of a caste.

The rigour of penal reactions seems to us to decrease in the course of civilisation. Stoning to death has disappeared. Lynching tends to disappear, and, among all civilised races, is no longer considered as anything but collective crime. But the State, substituting itself for the impulsive, blind, and unjust mob, prone to every kind of excess, has given to pain the character of impulsive reaction which it has joined to that of legal sanction; hence has followed a constant confusion in the conception of

the part that pain should play. Punishment has been considered as a means of reparation, as a necessary consequence of crime, just as reward would be considered the necessary consequence of merit.

Kant would attribute all the energy of this belief in the necessity of reward or punishment to the *consequence* of good or evil action. He does not think that the fear of punishment or the hope of reward is a motive to virtuous action; but he considers almost as an *a priori* synthetic proposition the assertion that vice should be punished and virtue rewarded.

No opinion could be more arbitrary. Nowhere perhaps in morality is more clearly to be seen the influence of long tradition on the concepts of practical reason. Because an impulsive reaction, cruel or kind, favourable or unfavourable, has always followed in partially civilised humanity the action that is considered criminal, or the action considered good (that is to say, contrary to, or in conformity with, the beliefs and prejudices of the multitude), we therefore believe in the rational necessity of such a sequence of facts, and claim to make of God the fittest means to realise this so-called supreme end: the correspondence of happiness and virtue, of suffering and vice.

M. Paul Janet has tried to justify this conception by basing it on the idea of distributive justice. From the moment that good and evil may be apportioned to man, it is right that they should be distributed proportionately to the merits and according to the moral value of each. But there is a preliminary question: is there, outside the good which the aptitude of each to secure it for himself submits

to an equitable redivision, other goods which are independent of technical aptitudes, as far as their acquisition is concerned? If so—if, for example, there were reason for admitting the existence after death of a life in which joy would be granted in a measure wide, or average, or slight, we conceive that distributive justice requires the redivision of this good according to moral merit. But in our present existence we see that happiness, if it is not always acquired by moral virtue, is in general obtained by those who are skilful in procuring their own advantage. It is not true that the good are always unhappy, and especially is it not true that moral value is doomed never to procure real happiness by its own efforts on earth.

170. *Happiness the Natural Consequence of Moral Action.*

No doubt we do not content ourselves with the satisfaction procured by duty accomplished. The Stoics were wrong in believing that virtue was its own reward, and in considering all material good, all other joys than purely moral joys, as indifferent. Happiness, from wherever it may spring, is to be esteemed and to be desired, provided it is not injurious to individual or social perfection. The moral being may lawfully claim his share of pleasure, his share of material well-being, and of intellectual, æsthetic, and social satisfaction.

Why then does he not sometimes obtain it? Is it not because, in spite of his excellent intentions, he does not succeed in playing the part which might procure for him the satisfactions which he is entitled

to desire? We are wrong if we separate skill from integrity. It will be sufficient to distinguish between those who are skilful without being honourable, and those who are both honourable and skilful, that is to say, those who can find the means best fitted for the realisation of their moral ends, who discover immediately how inferior is integrity without skill, although that is preferable to skill without morality.

To be a moral being we need not be an innocent being, a dupe or a victim. All we ask is to be a being of our own time and environment, no doubt so as to be a factor of progress for one's environment, but also so that we may adapt ourselves to the conditions of existence in which we are placed. If a virtuous man living a solitary life is ignorant of a series of joys which are well known to the wicked, he can only blame himself for his inferiority from the point of view of happiness. If, instead of hoping for reward in a future life in return for the privations which he endures in his present existence, he would force himself all the more to become a social being, useful to his fellows, in solidarity with his fellow-citizens, he would be in solidarity with them in pleasure as well as in pain; and he would very soon perceive that if in the present social system it frequently happens that the ungodly triumph and that the good suffer, the fault often lies with the good who do not know how to work on behalf of collective virtue.

When one is too engrossed to acquire private virtues, which can only have value in so far as they are a condition of public virtues; when we deliberately forget our fellows and only think of our own perfection, we are punished by the doom of the ages—the

unhappiness of the good amid the happiness of the wicked.

It is then because the good are not good enough that they are unhappy. It is because their goodness is too passive, their virtue not sufficiently active, that they see happiness flee from them. They have not sufficiently deserved it.

All the efforts of social beings ought to tend to the realisation of a social order from which injustice is progressively eliminated, in which the harmful effects of wickedness are more or less attenuated, in which the scale of moral values, which is in addition the scale of social values when it is a question of persons, corresponds exactly to the scale of good and pleasure.

What is there more natural than to see health procured by temperance, regularity of employment and well-being procured by professional skill, esteem and honours resulting from persevering integrity, and from the affection and the devotion of one's fellows —which are the reward of services rendered to the common cause, and therefore to individual causes. What is it, then, which prevents the moral man from being happy? Accidents, social disturbance, physical and moral contagion—in short, the effects of fortuitous occurrences due to the complexity of social relations and the effects of universal solidarity. But man becomes more and more the master of nature and eliminates the disastrous consequences of that chance of which the ancients made a God, because it was more dreaded by them than by us; and more and more also does moral solidarity, the voluntary consensus of reasonable beings, replace the primitive solidarity, which was certainly more dangerous than productive of moral results.

The optimism to which we may abandon ourselves has nothing in common with theological or metaphysical optimism; it is not based on subjective beliefs or on an arbitrary conception of the world. Facts are its foundation—the progress of science and the progress of intelligent solidarity. We may therefore hope that by incessant effort (for moral optimism far from enervating and weakening, far from giving confidence to the idle who might trust in an inevitable evolution, excites the energies and stimulates to action), by a persistent desire to realise a social system which becomes more and more unified, we shall eventually bring into agreement both nature and morality, and secure happiness for the good.

But, once more, the acquisition of happiness will be the natural consequence of the skill exhibited, of the ability with which the moral being will reach his ends. It will not therefore be a sanction in the sense in which sanction was understood by classical philosophy. It will be rather what is sometimes understood by "natural sanction." It is far better simply to say that this will be a natural result of increasing morality.

In the same way the suffering which will result to the unskilful and the dishonest, from the privation of the good and the pleasure that a more systematic conduct would have certainly secured for them, will not be a sanction or a punishment, but the simple result of their immorality in the midst of increasing morality.

171. *Merit.*

The ideas of merit and demerit have only a relation to the natural consequences of good or evil

action in so far as we can imagine a social state different from that in which the agent resides, a social state ensuring results the best adapted to the importance of the cause. We may be convinced that man will always imagine a social organisation superior to that which he enjoys. The idea of the Elysian Fields and of Paradise, as ancient perhaps as man himself, is far from disappearing from the human consciousness. At most it may be secularised, and become the idea of a physical and social environment, more in conformity to the moral ideal. So that if we no longer conceive the man of high moral value as deserving greater pleasure in heaven, he will be conceived as deserving it in a better terrestrial world. As for the wicked, he will be considered less and less worthy to live in this better world; and just as in our days the Catholic generally expels him from heaven and plunges him into hell, so, perhaps, lay opinion will claim to expel him from the society of the future. But these are only the very natural consequences of the conception of an ideal of common life. To deserve to be admitted into the Republic of Plato, or into the city of God or into a future humanity, there to enjoy the pleasure of the wise and the happiness of the virtuous being, is the desire of the moral being who works for the realisation of this ideal of collective existence. Not to deserve it is the characteristic of the wicked, who does not trouble his head about such a realisation.

Does not this go far to realise the classical theory, according to which to every moral act must be added a reward, and to every immoral act a punishment? according to which the good deserves to be rewarded beyond the natural consequences of his good action,

and the wicked deserves to suffer beyond the suffering that his misdoing may naturally cause to him ?

172. *The Immorality of Punishment.*

Is it not even immoral and inhuman to assert that the sum of suffering which weighs upon humanity must be increased by punishments ? How can the death of a criminal and the tortures inflicted upon him be moral ? Is it not a relic of barbarism to conceive of the pain of the delinquent as well deserved ? And besides, what is this multitude which crowds around the foot of the scaffold and claps its hands, and laughs, and sings when the knife falls ? Is it not the ignoble mob issuing from the low quarters of our great towns, bearing all the stigmata of degeneration, and exhibiting a well-marked reversion to the most brutal ancestral type, in our civilised eyes the most monstrous type of all ? Should we not therefore be ashamed of ourselves when the old leaven of animal cruelty gives rise in us to thoughts and sentiments of reprisal with respect to the criminal, and when our heart is not touched by the sufferings inflicted upon the delinquent ?

To make him suffer who has made others suffer, to be cruel towards the man who has been cruel, is to multiply the wrong instead of healing the wound. It is adding to the individual fault a social fault, and putting the criminal in the position of a man on whom vile vengeance is taken.[1] Let the man who has done the wrong help to repair it. Let him make good the public and private mischief that he

[1] Cf. A. France, *Les Idées de J. Coignard.*

has caused. That is the principle of contractual justice which tends to prevail in our days, because obligations tend to become more and more exact now that they are stipulated in contracts. There always are cases in which the public injury caused by a criminal cannot be estimated. Violation of the law is much more pernicious because it tends to the destruction of the social edifice, than because it involves injury that may be valued. Therefore we must endeavour above all to prevent the tendency to violate the law and the moral precept from being generalised, for this would render social life impossible.

173. *Utilitarian Rôle of Punishment.*

Perhaps then punishment may be really a sanction, that is to say, the means of reinforcing the influence of the law on the mind of him who deliberates, chooses, and acts. By arousing in the mind the fear of punishment we create a new motive to action or inhibition; but this sanction, which is purely utilitarian, is the last means to which society can have recourse to influence or restrain the individual. It is the complement of an insufficient education or an education which has not brought forth all its fruit.

It is therefore important that punishment should be inflicted only if its influence will be effective on the mind of the subject who deliberates, and that only that kind of punishment should be inflicted which will exercise an effective influence on a given mind.

If this be done the punishment of the insane will cease, because they are incapable of reflection; and so

with idiots, who are imbeciles incapable of action with a motive, not so much because they are not responsible or because fault is not imputable to them, but because no sanction has any influence on them.

The child who has committed a fault through bewilderment, the young man, the adult, the old man, who have let themselves be dragged into crime through impulse, and have thereby shown that they lack an inner restraint and sufficient power of self-control, profit by the punishment that is inflicted upon them. As for the morally insane, who commit voluntary crimes, who accomplish the most abominable acts with the greatest *sang froid*—and that, as we have seen, from lack of lofty sentiments, from a pathological absence of tendencies to social life—it may sometimes be useful, and even absolutely necessary, that the civil or moral law should appear to them to be sanctioned, and that its violation should be conceived of by them as eminently disastrous.

How many people are there in the most civilised society without fear of police or prison, and who, because they lack generous tendencies and noble sentiments, let themselves drift into excess, immorality, misdemeanour, and crime? They are like the morally insane in the sense that they lack certain inclinations characteristic of the moral being, although they differ from the delinquent or criminal lunatic in the sense that their impulses or obsessions do not so inevitably issue in the doing of wrong. In number they are legion, and that is why it seems that fear, the only motive capable of exercising an effective influence on their voluntary decisions, must be inspired in most human beings

by the establishment of punishments sanctioning the laws.

Does this imply that a haunting dread is the sole instrument by which respect for the laws and the doing of one's duty is wholly and always to be impressed on humanity? Does it mean that the fear of the police, or that the fear of the Lord, will be the last word of the wisdom of multitudes?

If the former, we must teach the people that the most terrible punishments in this world and the next await the delinquent, or we must at any rate attach to virtue so many rewards and to vice such punishment that appetite and fear will become the most powerful motives to human actions. This means a real "morality of slaves"; it means that fear must dominate man.

But is fear a normal sentiment? Is it not one of those pathological sentiments which disturb the intellect and paralyse action. If we undertake to establish a morality having as its end the normal functioning of the psycho-sociological being we ought only to provisionally admit an abnormal mental state.

Now the effects of dread are known. Those of fear are none the less known. It is sufficient to see the habitual attitude and the state of heart and mind to which young people are brought who are subject to a terrible discipline, to be under no illusion as to the value of a morality that is based on dread. The man who fears is either a being resigned to apathy, or a sly creature, a secret rebel, who only waits for a favourable opportunity to escape the obligations imposed upon him by a master whom he hates. As M. Richard[1] has said, the State progresses by

[1] *Rev. Phil.*, 1899, t. ii., pp. 475 *et seq.*

economising constraint and by soliciting the obedience of the individual to the requirements of collective life, appealing to other motives than fear. There is a general tendency to avoid imprisoning children capable of improvement. In England we send them to Reformatory Schools, in France to Houses of Correction, which are unfortunately too badly organised to give happy results. The law of reprieve is inspired by a wise mistrust of the fatal consequences of imprisonment and by a belief, which has been proved justified, in the happy effects of a severe warning. Let the prison of the near future be transformed into an asylum for the moral health. We have seen that responsibility for crime is made incumbent on a nature that has been given to the delinquent, on a character which can only be reformed by the very person who acted, and can only act, according to his own character; thus the criminal, the delinquent, and the immoral being are defective beings.

Society should defend itself against their attacks without anger, and protect itself as it would against the possible wrong-doing of a dog, a horse, or any of our "inferior brethren." To prevent the repetition of crimes and misdemeanours which have been committed in spite of preventive measures, we must first of all prevent the evil-doer from continuing to set a bad example—just as we should prevent an epileptic from falling too frequently into his crises in the presence of hysterical subjects, who would be only too ready to imitate him. We must therefore take pains with the delinquent and not restore him to liberty until he is cured, until he has lessened the violence of his passions or the power of his disastrous

tendencies, until he has really grown wiser and has not been brought, as happens too often, to a state of mere hypocrisy by ill treatment and by fear. Let us not forget that all minds are not accessible to fear. In the first place, there are degenerates whom no punishment can terrify, and who experience a kind of pleasure in bearing the chastisement and the humiliation which would cause in others bitter pangs. There are also strong men, courageous men, whom fear and suffering cannot check, and to whom punishment cannot constitute a sanction qualified to reinforce the power of the law. In such people quite different sentiments must be evoked if we wish to determine them to moral conduct. To some the awakening of an appetite, to others conformity of action to a strong tendency, will be sufficiently powerful a feeling or end to determine the suitable choice. Educators know it well. Each child must be attacked on his "sensitive side" to bring him to what we desire. Adults are for the most part but great children. "*Trahit sua quemque voluptas*" was said by one who did not realise perhaps the distinction that should be drawn from the practical point of view between the pleasure which is not always proposed as an end, and the desire which is always a motive, even when it is not the desire of enjoyment, even when its satisfaction involves suffering. The real meaning of the aphorism is this—each of us is led by his own inclinations. We must therefore recognise the inclinations characteristic of each of those whose conduct we desire to direct, in order to ascertain what are the inclinations whose development may be useful to the development of morality, and to endeavour to give to the moral prescription

the support which would be absent if those inclinations were, so to speak, only "skin deep." Far from skimming over the surface of the consciousness, moral law should penetrate it; and there is no other means of penetrating a mind than the natural path traced out by the tendencies, the inclinations, and the appetites. Punishment and reward are means of superficial action which can only disturb the consciousness by the impetus of the shock. It is not by them that prohibitions or prescriptions are insinuated into the mind. On the contrary, habit dulls the sensibility to those sanctions because they are mainly external.

M. Enrico Ferri[1] rightly says that "the experience of daily life in the family, in the school, and in the social group, as well as the history of social life, show that to render less pernicious the outburst of the passions, it is far better to take them in flank and at their origin than to attack them in front. To preserve his wife's fidelity the astute husband counts on many other considerations than the regulations of the penal code against adultery. . . . Inattention and tendencies to destruction in the child are much better restrained by well-adapted games than by a punishment which has failed to repress them. . . . That is why experience shows in the judicial-criminal domain that punishments fail completely in the end, which is entirely one of social defence, so that we must have recourse to other means of satisfying the requirements of social order. Hence what I have called 'penal substitutes' (*sostitutivi penali*)." The conception of "substitutes" for punishment is summed up as follows: The legislature, after

[1] *Sociologia criminale*, pp. 395 *et seq.*

having examined the varied aspects and manifestations of the individual and social activity, after having discovered the origin, the conditions, and the consequences of criminal facts, after learning the psychological and sociological laws which, in a great part at any rate, give the reason of them, ought to endeavour to exercise a felicitous influence on the processus of criminality. For that purpose the social organism should receive such an orientation that human activity instead of being uselessly threatened with repression may be guided in a continuous and indirect manner towards non-criminal objects, by offering the freest possible course to individual energies and ends, but avoiding as much as possible temptations and opportunities for crime.

174. *Moral Suggestion.*

With respect to most people we must act as with respect to delinquents; and to prevent the former from engaging in vice we must use the processes that are employed to prevent the latter from falling back into crime. As we give up the idea of inspiring them with the fear of punishment, we must accept the obligation of giving them a moral education.

Now we must be sure that the moralising action is exercised not by speech, command, or prohibition, but by suggestion which varies with the individual, and differs in its nature according to the character appropriate to each case and corresponding to particular tendencies. If a child or a man has more marked æsthetic than scientific tendencies, do not idly preach to him the love of science which would lead another man by the cult of the true to very

lofty social and moral sentiments. Let us show him the neighbouring road which passes from the beautiful to the good; let us excite his æsthetic sentiments until he desires to see beauty in conduct, and harmony both in his acts and in the totality formed by his acts and those of his fellows. Let each character retain its peculiar aspect, and for that purpose preserve its characteristic tendencies. It will none the less be normal and moral; for virtue may be attained by many ways as long as these tendencies do not exclude certain sentiments which are indispensable to morality.

Hence, to penetrate into the heart of a man, let us study his character and adapt our method of acting to his requirements. Let us understand him well in order that in his turn he may enjoy with us a unity of ideas and sentiments. If we wish to educate a weak-minded person, the best thing is first to leave him in the company of good comrades, who, without trying to attract him by benefits or kindnesses, little by little determine in him sympathies and antipathies. He attaches himself to the most sympathetic, follows him, imitates him, is devoted to him, and obeys him just as a hypnotised person is dominated by his magnetiser. Thus is exercised moral suggestion; and it is the more powerful in proportion as the sympathy inspired in the patient by his companion is great.

Imitation springs from sympathy, or rather blends with it; for sympathy results from spontaneous imitation, which is rendered easy by the affinities of two characters. The two phenomena react on and mutually strengthen each other. By spontaneous imitation one is subjected to the thraldom of custom,

of fashion, and manners. Through it we acquire methods of thinking, feeling, and acting, which are strange or foreign in their origin, and which are assimilated the more easily according as they meet with fewer antagonisms in the mind that receives them. Now the power of antagonistic sentiments may be reduced beforehand by slow pressure exercised by the skilful teacher, so that the path is made clear for new tendencies.

Young people whose sentiments are not yet fixed and are not yet completely developed are particularly apt to receive moral suggestions both negative and positive, exercised in the direction of restraint or in that of the exaltation of certain sentiments. That is why people anxious about their moral future have always confided the education of youth to those who have the same ideal as the great majority of the citizens in the midst of whom they fill the important part of suggesters. The wisest of the Greeks and Romans kept their children as far as possible from educators like the Sophists and the Academicians, skilful as they were to capture the intellect, but far too hostile to the virtues which Greece and Rome had learned to esteem. Modern races should show the same care to preserve their young people from morbid suggestions, which are fatal to social harmony and to the realisation of a collective ideal.

In fact, the happy choice of the educators of youth is a condition of moral safety to the country; the future depends upon it; and not only the future of those who have been subject to moral or immoral suggestion, not only the future of their whole generation, but also the future of successive generations, which will grow up in a social environment in which

certain sentiments indispensable to morality will be developed, or will be stifled as soon as they appear. For the whole of the people act on each individual as a skilful teacher. In this totality each being finds a more or less considerable number of citizens with whom he is in sympathy, whom he follows, imitates, and copies, and whose manners and maxims he fully adopts. This group of models must not form a sect which is opposed to the neighbouring sect of different manners. If education is one, if some fundamental principles remain common in spite of the inevitable divergences which are due to diversity of temperament, the moral unity is assured. Moral anarchy, on the contrary, arises from antagonistic morbid suggestions, from radically opposed methods of education.

It is only therefore when a people makes an effort to give to its youth as far as possible the same education of the sentiments, and the same "moral suggestion," that it may expect to see a diminution in the number and the importance of crimes and faults committed in its midst by individuals or communities.

The real *sanction* of the laws is in the morals which make their observation easy and sure. To give to the moral law and to moral precepts their full authority, they must penetrate manners. It is for moralists, for all those who believe they are in possession of the best rules of conduct, to force themselves, not by crying in the wilderness, but by acting on their environment, to secure the appearance in their country, and in humanity generally, of well co-ordinated collective tendencies, of *social causes of morality*, capable of opposing the social causes of madness and misconduct.

BIBLIOGRAPHY.

ARISTOTLE.—Nicomachaean Ethics. (Edit. Acad. of Berlin. Reimer, 1831.)

ARISTOTLE.—Politics.

BALDWIN (J. M.).—Social and Ethical Interpretations in Mental Development.

BALLION (Dr.).—La mort chez les animaux. Bazas, Constant, 1900.

BANCEL.—Le coopératisme. Schleicher, Paris, 1901.

BELOT.—La Religion comme principe sociologique, "Revue philosophique," March 1900.

BERNARD (C. L.).—Leçons sur les phénomènes de la vie.

BERGSEN.—Les Données immédiates de la conscience. Paris, Alcan, 1899.

BONCOUR (P.).—Le fédéralisme économique. Paris, Alcan, 1900.

BOUGLÉ.—Les Idées égalitaires. Paris, Alcan, 1899.

BOUTROUX.—"Morale sociale." Leçons faites au Collège des sciences sociales. Paris, Alcan, 1899.

BROCHARD.—La Morale ancienne et la morale moderne, "Revue Philosophique," January 1900.

BROOKS ADAMS.—La loi de la civilisation et de la décadence. Paris, Alcan, 1899.

BRUNSCHWICG. — L'ordre des joies, in "Morale sociale." Paris, Alcan, 1899.

BRUNSCHWICG.—Introduction à la vie de l'esprit. Paris, Alcan, 1900.

CHABOT.—Nature et moralité. Paris, Alcan, 1897.

COMTE (Aug.).—Cours de philosophie positive.

COMTE (Aug.).—La Sociologie résumée par Rigolage. Paris, Alcan, 1897.

COSTE.—L'Expérience des peuples et les prévisions qu'elle autorise. Paris, Alcan, 1900.

CULLERRE (Dr.).—Les frontières de la folie. Paris, 1888.

DARGUN.—Ursprung und Entwickelungsgeschichte der Eigenthums, 1884. "Zeitsch. f. vergl. Rechtsw.," Bd. v.

DARLU.—La classification des idées morales du temps présent, in "Morale sociale." Paris, Alcan, 1899.

DARLU.—La morale chrétienne et la conscience contemporaine, "Revue de métaph. et de morale," 1900, p. 257.

DELBET.—La morale positive. (*Ibid.*)

DELBOS.—Le kantisme et la science de la morale, "Revue de métaph. et de mor.," March 1900.

DUGAS.—L'amitié antique. Paris, Alcan, 1896.

DUGAS.—Analyse psychologique de l'idée de devoir, "Revue philosophique," 1897, t. xliv.

DUMONT (Arsène).—La Morale basée sur la démographie. Paris, Schleicher, 1901.

DURKHEIM.—La division du travail social. Paris, Alcan, 1893.

DURKHEIM.—L'Année sociologique, 1899-1900.

ESPINAS.—Les Sociétés animales. Paris, Alcan, 1878.

FERRI (E.).—Sociologia criminale. Turin, Bocca, 4th ed., 1900 (also an abridged English edition).

FOUILLÉE.—Critique des systèmes de morale contemporains. Paris, Alcan, 3rd ed., 1893.

FOUILLÉE.—La France au point de vue moral. Paris, Alcan, 1900.

FRAGAPANE.—Objetto e limiti della filosofia del diritto. Rome, Loescher, 1900.

FRAGAPANE.—Il problema delle origine del diritto. Rome, Loescher, 1896.

FRÉGIER.—Des classes dangereuses de la population dans les grandes villes et des moyens de les rendre meilleures. Paris, 1840.

GOBLOT.—Essai sur la classification des sciences. Paris, Alcan, 1898.

GRASSET (Dr.).—La supériorité intellectuelle et la névrose. Montpellier, Coulet, 1900.

GUYAU.—Esquisse d'une morale sans obligation ni sanction. L'irréligion de l'avenir. Paris, Alcan, 1896.

JAMES (W.).—Principles of Psychology. Cf. Marillier, La psychologie de W. James, "Revue philosophique," 1892, ii. p. 449.

JANET (Pierre).—L'Automatisme psychologique. Alcan, 1889.

JANET (Pierre).—Névroses et idées fixes. Alcan, 1898.

JANET (Paul).—La Morale. Paris, Delagrave, 5th ed., 1898.

KANT.—Critique of Practical Reason.

KOVALEVSKY.—La Morale de Tolstoi, in "Morale Sociale." Paris, Alcan, 1899.

LALANDE.—La dissolution opposée à l'évolution. Paris, Alcan, 1899.

LAVELEYE (de).—De la propriété et de ses formes primitives. 2nd ed., Alcan, 1897.

LEGRAIN (Dr.).—Du délire chez les dégénérés. Paris, 1886.

LEGRAIN (Dr.).—L'anthropologie criminelle au Congrès de Bruxelles en 1892 (extrait de la "Revue scientifique").

LETOURNEAU.—The Evolution of Property. Contemporary Science Series.

LICHTENBERGER.—La Philosophie de Nietzsche. Paris, Alcan, 1900 (4th ed.).

LOMBROSO.—L'Uomo Delinquente. French and German trans. Turin, Bocca, 4th ed., 1887.

LOMBROSO and FERRERO.—La Donna Delinquente. Abridged English translation, "The Female Offender."

LOURBET.—Le problème des sexes. Giard et Brière, Paris, 1900.

MAGNAN (Dr.).—Leçons cliniques sur les maladies mentales. Alcan, 1897.

MALAPERT.—In "Morale sociale." Alcan, 1899.

MARION.—Leçons de morale. Paris, A. Colin.

MARX (Karl).—Salaires, prix et profits. Giard et Brière, 1899.

MARX (Karl).—Das Capital. English translation.

MAZARELLA.—La Condizione giuridica del marito nella famiglia primitiva (matriarchale). Catana, Coco, 1899.

MILL (John Stuart).—Utilitarianism. 11th ed., 1891, Longmans.

MERRIAM.—History of the Theory of Sovereignty since Rousseau. Columbia, Univ. Press, 1900.

NIEBOER (Dr.).—Slavery, an industrial system. The Hague, 1899.

NIETZSCHE.—Menschliches Allzumenschliches.

NIETZSCHE.—Also sprach Zarathustra. English translation.

PATTEN (Simon N.).—The Economic Foundations of Protection.

PAULHAN.—L'Activité mentale et les Éléments de l'esprit.

PAULHAN.—Les Caractères, Les Types intellectuels, Esprits logiques et esprits faux. Paris, Alcan, 1896.

PAYOT.—L'Education de la volonté. Paris, Alcan, 1901, 12th edition.

PILLON.—Année philosophique, 1868.

PROAL.—Le crime et la peine. Paris, Alcan, 1891.

RENARD.—Le régime socialiste. Paris, Alcan, 1898.

RENOUVIER.—La science de la morale. Paris, Ladrange, 1869.

RIBOT.—Psychology of the Emotions (Contemporary Science Series), Maladies de la volonté, Psychologie de l'attention, L'imagination créatrice. Paris, Alcan.

RICHARD.—Revue critique, "Revue Philosophique," 1896, t. xlii. p. 529.

RICHARD.—"Revue Philosophique," 1899, t. xliii. p. 476.

ROMANES.—Mental Evolution in Man.

SABATIER.—Esquisse d'une philosophie de la religion. Fischbacher, Paris, 6th ed., 1901.

SEE (H.).—Les Classes rurales en France au moyen âge. Paris, Giard et Brière, 1901.

SOLLIER (Dr.).—Psychologie de l'idiot et de l'imbécile. Paris, Alcan, 1891.

SPENCER.—Principles of Sociology. London, 1870.

SPENCER.—The Data of Ethics. Summary of Spencer's Philosophy, by Howard Collins.

SPINOZA.—Ethica. Edit. Van Vloten English trans..

STEIN.—La Question sociale au point de vue philosophique. Paris, Alcan, 1900.

STIRNER.—Der Einzige und sein Eigenthum. (French trans. "Revue blanche," 1900.)

TANON.—L'Évolution du droit. Alcan, 1900.

TARDE.—Les lois de l'imitation. 2nd ed. "La logique sociale." Paris, Alcan, 1895.

TOLSTOI.—What's to be Done?—Pamphilius and Julius—Commentary on the Gospel, etc.

WHITE.—History of the Conflict between Science and Religion.

ZENKER.—Naturliche Entwickelungsgeschichte Gesellschaft. Berlin, Reimer, 1899.

INDEX.

ABOULIA, § 33, 178
Accident, criminal by, § 75
Action :—moral, § 28, pp. 53 *et seq.*; voluntary, do., first stage of, 61, 62; instinctive, 97; immoral, V.; social, in dealing with criminals, 350
Acts: — voluntary, 63; moral, place of joy in, § 70; immoral, V.; why called vicious, 153
Adams (Brooks), 210; (Maurice), 236*n.*
Æsthetics, § 59, § 69
Agent, 61, § 47, 93
Agriculture (and property), 224
Alcoholism, § 86
Althusius, 276, 281
Altruism, § 61, 134, 144, 233, 235, 270
Ambil Anak, 196, 199
Amor Dei intellectualis, 117 *et seq.*
Andaman Islanders, 169*n.*
Animal societies, 128; love in, 129
Animals, man and, 327
Anomia, and crime, 187
Antagonistic reductives, 125, 133, 140, 177
Antecedent, and cause, 90
Apaches, 199, 201
Appreciation, errors of, 337
Aptitudes, 273
Aquinas, St. Thomas, 275
Aristocracy, § 122; of Plato, 42
Aristotle, 3, 4, 30, § 23, 53, 70, 114, 120, 138, 191, 205, 251, 327
Arts and ethics, § 15; of human conduct, 26 *et seq.*; aim of, 123
Asceticism, 120
Assaults, indecent, 165, 174, 338
Association, § 30, 219
Attention, § 30; multilinear, 69; voluntary, 139; pathology of, 175
Austin, 257*n.*, 259*n.*, 260*n.*, 267*n.*, 274*n.*, 275*n.*, 276*n.*
Authority, 205

Bachofen, 145, 196
Bain, 98*n*
Baldwin, 326
Ballion, 204
Bancroft, 200
Beautiful, cult of, § 69
Bedouins, 201
Belief, 11
Belot, 8
Bentham, 103
Bergsen, 63, 85*n.*
Bernard (Claude), 82, 83
Birds, monogamic, 196
Blackmail, 167
Bodin, 275
Bon (*le*), 158
Bonald (*de*), 278
Boncour, 219, 221, 222*n.*, 287
Botocodos, 201
Bouglé, 207, 209
Bourret (Cardinal), 9
Boutroux, 16*n.*
Brentano, 219
Brunschwicg, 148, 150*n.*
Burchardt, 200
Burke, 277

CAPITAL, § 107, 227
Cartesianism, 41*n.*

Caste, 205
Cause (and antecedent), 90
Centralisation, pp. 284 *et seq.*
Chabot, 146
Chamberlain, 126*n.*, 134*n.*, 140*n.*, 150*n.*
Character, origin of, § 44; possible modification of, 346
Charity, 266
Children, organising power, 134; primitive condition of, 200; work of, 308; duties towards, 321; their duties, 324
Choice, 54; of the best, 70; intelligible, 93
Christianity, 3; sociological explanation of its spread, 9, 208
Chrysippus, 127
Clan, and property, 224
Classes (the), 205
Cleanthes, 18, 120, 123
Clergy, hostility to evolutionism, 7
Collective sentiments, § 108, 228
Collins, 232*n.*, 233*n.*
Comenius, 320
Communism, 225
Competition, 292
Comte, 116, 191, 194, 232
Conception, 54, § 29, 143
Conduct, rational, § 19, 35; systematic, 36, 153; instinctive, 54; reprehensible, 155
Conflict, necessary, § 119
Conscience, 33, § 45; voice of, 75
Conscious processes, § 35
Consciousness, moral, § 17; of the good, 33
Constraint, 264
Contract, § 100
Co-education, 320
Co-operation, 306
Corporations, suppression of ancient, 227
Corvée, and the State, 297
Cosmology, 7
Coste, 209, 210, 216, 285
Coulanges (Fustel de), 207
Cratylus, 115*n.*
Crime, § 72; due to unsatisfied needs, 172
Criminal, § 73; classes of, § 74, § 84; insane, § 76.
Criminologists, 156 *et seq.*
Crisis, the moral, 1
Criticism, spirit of, 1; right of, 13; abstention from, 246
Cullère, 175*n.*
Culture, and inheritance, 273*n.*
Customs, ancient, preserved, 156

Dallemagne, 172
Dareste, 304
Dargun, 215*n.*
Darin, 22, 241
Darwin, 15, 236
Dawson, 198
Degenerates, intelligent, § 78
Degeneration, 185
Delbos, 34*n.*
Deliberation, 54, § 34, 67, 143, 340
Descartes, 23
Desire, § 54
Despotism, § 120
Determinism, 72 *et seq.*, § 43, 185 *et seq.*; of immoral actions, V., pp. 152 *et seq.*
Devotion, 122, § 128, 262
D'Hulst, 9
Dieyeries, 197
Diogenes Laertius, 101, 121
Disaggregation, mental, 177
Disintegration, social, 3
Dissociation, 57
Disturbance, social, § 86
Divorce, 321
Dugas, 14, 44, 45, 137*n.*, 327
Durkheim, 8, 16, 17, 18, 74, 109*n.*, 110*n.*, 187, 195, 204, 206, 218, 231, 287
Duty, 14, 15, 26 *et seq.*, 36, 44, 75, 76, 266, 282

Economic, life, 193; primitive state, § 101; evolution, § 102, 294; facts, order of, 294
Economy, political, and morality, 296
Edgeworth, 47*n.*
Education, duty of State, § 140; and sanction, 352

Ego, origin of, 82, 93
Egoism, § 55, 128
Egyptians, 207
Ellis (Havelock), 116*n.*, 156*n.*, 162*n.*, 168*n.*, 171*n.*, 179*n.*, 181*n.*, 240*n.*
Emotion, shocks, 136
Encyclopædia Britannica, 41*n.*, 275*n.*
Endogamy, 192, 195, 197
Enthusiasm, close of era of, 10
Environment, 186
Epicureanism, 4, 5, 101
Epicurus, 84, 95, 101, 102, 103, 120, 150, 327
Equality, § 96
Eroticism, 116
Espinas, 128, 203
Ethics, and metaphysics, 5; and religion, § 5; and science, 11, § 10; and arts, § 15; independent, § 7; science of, 13; Kantian, § 9; technical character of, § 12; social, § 16; compared to mathematics, 13; pure and applied, 40; of mind and nature, 23; individual and social, III.
Ethical, religion, 10; research, 40, 48
Evolution, hostility of clergy to, 7; and Spencer, 46; obedience to law of duty, 47; of law and morals, 194; family, § 89; political, § 99; economic, § 102; of social sentiments, 233; sociological, § 112; social, 254; individual, 262; conscious, 265
Exaggeration, § 82, 177
Exercise, § 71
Exhibitionist mania, 174
Exogamy, 192, 195, 197
Expansion, force of vital, pp. 126 *et seq.*

FAMILY, 74; dissolution, § 92; future of, § 93
Fanaticism, 228
Fault, 152 *et seq.*
Fear, 138; a normal sentiment? 363
Fecundity, 128
Féré, 140*n.*, 168*n.*
Ferrero, 315
Ferri, 157, 158, 159, 160, 366
Ferrus, 157
Firmness, 135, § 66
Fouillée, 6, 9, 10*n.*, 130*n.*, 236*n.*, 248, 249*n.*, 282
Fragapane, 212
France (A.), 360
Fraser, 198
Fraternity, 326
Freedom, 208
Frégier, 157, 159
Friendship, 326

Gaillon, 177, 179
Gall, 157
Galton, 155
Games, 128
Garafolo, 158
Generosity, § 63, 127, 265
Gide, 244
Goblot, 186
Good, the, 70; the idea of, and the tendency to, § 38; and the beautiful, § 69
Government, 208, § 97, 274
Grassier, 140*n.*
Greece, 3
Gregory VII., 275
Grosse, 197, 215
Grotius, 276, 281
Guibert, 9
Guyau, 25*n.*, 31, 73*n.*, 77*n.*, 101*n.*, 104*n.*, 124, 124*n.*, 128, 129, 130*n.*, 146, 150, 162*n.*, 163*n.*, 175*n.*, 248
Guyot, 219

HAPPINESS, greatest of greatest number, 104; intellectual, § 57; § 70; result of moral action, 355
Harris (T. L.), 241
Hedonism, § 51
Hegel, 145, 278, 282
Heredity, 59, 75, § 86
Hereditary property, § 133
Historical school, 282
Hobbes, 250, 276, 278, 281, 282
Hoffbauer, 168*n.*

Holland, 274*n.*, 276*n.*
Houzé, 182
Hughes, 162
Hugo, 277
Humanity, love of, 117; religion of, § 111
Hunger, 193
Huret, 157
Hypocrisy, 330

IDEA, directing, of organism, 82
Ideal, and real, § 11; moral, 25; psychological, § 66, 45, 51 *et seq.*; construction of, 49
Idealism, § 13, 22, 283
Idealists, 21
Idée-force, 86, 93*n.*, 174 *et seq.*
Idiot, morality of, 163
Imagination, § 29
Imbecile, morality of, 163
Imitation, 73; and sympathy, 368
Immorality, cause of, 155; nature of, 292; struggle against, IV. p. 334
Imperatives, of Kant, 26 *et seq.*
Impressions, communicability of, 124
Impulsive, criminal, 157, 347; man, 348
Imputability, 348
Individual, dignity of (v. Kant), § 21; the moral, 127, 135 *et seq.*
Individualism, 227, § 113, 284
Industrialism, § 107
Inheritance, and culture, 273*n.*
Instinct, gregarious, 74
Intentions, moral, 324
Interest, § 54; and desire, 105; collective, § 56
Invention, 24, 25, 39, 283
Instability, pathological, 176; mental, 177; and aboulia, § 33
Instruction, obligatory, p. 290
Irreflection, § 36
Irresponsibility, 343
James, W., 57, 58, 67, 150*n.*, 175*n.*, 176
Janet (Paul), 37, 137, 175*n.*, 354; (Pierre) 177*n.*
Jay, 221
Jesus, 255
Jones, 198
Joy, § 70
Judge, the State as, 291
Jus, vitæ et necis, 201; maritale, 202; utendi, 216; abutendi, 216
Justice, 42, 204, 250, § 128. § 129

Kant, his philosophy, 14; his Ethics, § 9; Critique of Pure Reason, 15; his imperatives, 26 *et seq.*; and the future of humanity, 29; and the dignity of the human person, 31, 34, 36, 39, § 126; on the formal conditions of morality, 34; on absolute moral value, 37; his method, § 22, 40; and pure reason, 52; on the unique motive of moral conduct, 64, 81; and Free Will, § 43; his theory applies to superhuman beings, 65; his psychology, 78; his hypothesis, 82; his æsthetics, 123, 124, 143, 145; and property, § 130; and personal value, 274; on social contract, 277; and popular will, 280; on delegation of the powers of the State, 281; and responsibility, 335; and sanction, 354
Kovalewsky, 225, 242*n.*
Krause, 200
Kropotkin (Prince), 203*n.*, 204*n.*, 264*n.*

LABOUR, division of, § 103; § 107; defined, 309
Laccassagne, 158, 349
Lalande, 196, 202, 207
Land, 224
Lang, 228*n.*
Lavéleye, 224
Law, 204, § 99
Lecky, 98*n.*
Legislation, § 134
Legrain, 163, 182
Leibnitz, 41, 133, 145
Lerminier, 279
Letourneau, 192*n.*, 196*n.*, 228*n.*, 303
Leviathan (Hobbes), 248, 282

Levirate, 195, 198 *et seq.*
Liberty, the *ratio essendi* of duty, 15, 33; noumenal, 33; and morality, II. pp. 80 *et seq.*, § 45, § 46; individual, 235; metaphysical, § 126
Lichtenberger, 236, 239*n.*
Life, law of, 46; political, § 95
Locke, 277, 281
Lombroso, 140*n.*, 156, 158, 160, 162*n.*, 168*n.*, 179*n.*, 181*n.*, 182, 184, 315
Lourbet, 315
Louvié, 244
Love, 116, 129, 193, 242, 243
Lynching, 352

MACHINERY, 218, 227
Mackenzie (J. S.), 41*n.*, 43*n.*, 64*n.*, 98*n.*, 112*n.*, 207*n.*, 209*n.*, 219*n.*, 222*n.*, 227*n.*, 233*n.*, 263*n.*, 273*n.*
Mackenzie, 198
MacLennan, 195
Magnan, 164, 182
Maine (Sir H.), 196, 207*n.*, 211*n.*, 213*n.*, 222*n.*, 267*n.*
Malapert, 29 *et seq.*
Malebranche, 37, 342
Man, a psychological being, 10; a social being, 10; makes his own morality, 11; the divine in, 114; the wise, 121 *et seq.*; and animals, 327
Mania, "reasoning," 162; "exhibitionist," 174
Manners, good, § 36
Manouvrier, 182
Marion, 35
Marriage, 186, 214, 317
Marro, 196
Marshall, 217*n.*, 227*n.*
Marx (Karl), 6, 226*n.*, 227*n.*, 304
Matriarchate, 195, § 90
Mazzarella, 195*n.*, 196, 200
Maudsley, 157, 158, 162*n.*, 163*n.*, 169*n.*, 179*n.*
Mean, the golden, 43, 138
Meek, the, § 121
Megalomania, 165
Merz, 70*n.*
Mercier, 100*n.*, 126*n.*, 140*n.*
Merit, 358
Merriam, 278
Metaphysics, 5, 50
Method, § 26
Middendorf (von), 200*n.*
Middle Ages, the, and friendship, 327
Might, 250
Mill (John Stuart), 36, 46, 47, 100*n.*, 107*n.*, 112
Mobiles et Motifs, distinguished, 87*n.*
Moderation, § 67
Modesty, 332
Mohammed, 10, 255
Monadistic and Monistic views of justice, 263*n.*
Money, 210, 243
Moral, crisis, § 1; Philosophy, 5; Ideal, 7; and physical laws, 19; theory, 25; activity, 25, 40; hygiene, 28; consciousness, § 17; sense, 32; Will, I.; worth and duty, § 20; subjectivism, § 39; inertia, 103; apotheosis of, 105; precepts, 105; individual, 134; firmness, 135; virtues, 142; insanity, 162; imbecility, 162; vertigo, 179; suggestion, 367
Moralists, Scotch and French, 32
Morality, ancient, § 2; as taught by philosophers, 5; conditions of, § 6; scientific, 16; its domain, 19; technical character, § 12; and evolution, 20; and the "imperative," 26 *et seq.*; applied, 40; sociological, "of dry bread," 101; mystical, 116; Greek, 144; in economics, 292; "of slaves," 363
Morgan (Lloyd), 125*n.*
Morselli, 157, 169*n.*, 187*n.*
Munroe, 320
Mysticism, § 58

Napoleon, 254
Naturalism, § 13, § 50, 283
Nature of man, 121
Neo-platonists, 115
Nieboer, 198, 222

Nietzsche, 236 *et seq.*
Non-resistance, 241, § 118
Noumenon, 33, 81

OBLIGATION, moral, 44, 75, 204
Obsession, § 81, 174
Oceania, 199
Ontogeny of societies, 191
Ojibeway Indians, 198
Optimism, Stoic, 122
Organisation, social, § 65; economic, 292
Orthodoxy, 289
Over-man, the, § 114
Overwork, 186
Ovid, 69*n*.

PAIN-PLEASURE, 113*n*., 125
Passions, 118
Pastoral tribes, 215
Patten, 293
Paulhan, 57
Perception, § 29, § 31
Perfection, animal, 96; intellectual, 114
Person, the real agent, § 47
Phaedo, 23*n*, 42*n*.
Phaedrus, 115*n*.
Philosophy, "poverty of," 6; powerlessness of, 6; of science, 6; rights of, 12; phenomenist, 90
Physiology, mental, 45, 55
Pig, doctrine of, satisfied, 108
Pillon, 31, 50
Pity, 122, 239
Plato, 3, 4, 22, 23, 30, 42, 120, 205, 249, 298
Play, 128
Pleasure, psychological, 136; intellectual, 245, § 70
Pleasure-Pain, 113*n*., 125
Plotinus, 115
Plutocracy, § 98
Polyandry, 195
Polygamy, 195
Population, 206, 208
Positivism, 116
Potestas, patria, § 92
Powerlessness, of religion, 8; of philosophy, 6
Prevision, sociological, 20, 25; scientific, 20
Prichard, 162
Priestly, 104
Proal, 209*n*., 211*n*.
Promiscuity, 192, 195
Property, 202, § 105, § 106, § 130, § 131, § 132
Prostitution, 315
Proudhon, 279, 280
Psychic, nature of processes, 64
Psychology, scientific, 12; its teaching, 53
Puchta, 200
Punishment, immorality of, 360; utilitarian rôle of, 361
Pyromania, 169*n*.
Pyrrhonism, 4

Quetelet, 157

Ratzel, 197
Raymond, 176
Real, and Ideal, § 11
Reason, § 41; data of, § 18; defined by Marion, 35; pure practical, § 27; human and animal, 96
Recidivism, 159
Reform, § 132
Religion, 3; powerlessness of, 8; of Humanity and the Unknowable, § 111; of suffering, 240
Religious institutions, 192; sentiments, 332
Renard, 298
Renouvier, 13, 14, 16, 17, 31, 41, 65, 86, 88, 107*n*, 121*n*, 180, 270, 314, 318, 321
Renunciation, 242
Republic (of Plato), 42*n*., 359
Respect of children to parents, 326
Responsibility, social, 334
Revolt, right to, 284
Ribot, 55*n*., 69, 100*n*., 116, 124*n*., 125*n*., 127*n*., 140*n*., 150*n*., 162*n*., 168*n*., 169*n*., 175*n*.
Richard, 315, 363
Right, 204, 250, § 123, § 124, § 125, § 126, § 127, § 130
"Rights of Man," 268

Risk, § 71
Ritchie, 239*n*.
Robertson, 275*n*., 277*n*.
Rochefoucauld (de La), 126
Rogers, Thorold, 226*n*.
Romanes, 56, 97
Romanticism, 40
Rousseau, 33, 277, 278, 280, 281
Ruskin, 123*n*.

Sabatier, 289
Samoyedes, 201
Sanction, 352
Savage, 162
Savigny, 277
Science, of Ethics, 16; a product of social life, 38; conscience, liberty and, § 45; instruction should be given to all, 290
Schelling, 278
Schiller, 193*n*.
Schmidt, 249
Schutz, 197
Sée, 226*n*.
Self-perception, § 32
Semitic tribes, 207
Sensorial type, § 31
Sentiments, collective, § 108; primitive, § 109; genuine human, 330
Sergi, 157, 158
Sexes, co-education and equality of, 320
Sexual love, 126, 129; instinct morbid, 165, 181; disorders, 169*n*.; relations, 192, 196
Sidgwick, 64*n*., 115*n*., 138*n*.
Sioux, 199
Sismondi, 280
Slavery, 193, 197, 199 *et seq*., § 105, 251, 276
Smith, Adam, § 24
Sociability, 39, 76, 126, § 64, 141
Social contract, § 137; disintegration, 3; conscience, 39; statics and dynamics, 191; responsibility, 334; action, 350
Societies, animal, 128, 203, § 94; organisation, § 65, 133
Sociology, its rôle, 17; interpretation of its data, 21; present state of, § 87; anticipations, § 112
Socrates, 70, 108, 154, 156, 254, 337
Sohm, 200
Solidarity, 122; immoral effects of, § 85; professional, 221, 235, 273; Durkheim's "mechanical," 74, 204, 231; "organic," 218, 231; in economic order, 301
Sollier, 163
Soriey, 98*n*., 124*n*., 207*n*.
Soul, phenomena of, 23; of divine origin, 42
Sovereignty, § 135, § 137
Spencer, Herbert, 8, § 25, 53, 125, 128, 146, 193*n*., 195, 224, 225, 230 *et seq*., 267*n*., 284
Spinoza, 38, 41, 52, 53, 89, 112, § 59, 239, 250, 251
Spiritualism, § 13; dualistic, 7, 23
Stability, morbid, 176
State, 202 *et seq*., V.
Stein, 285
Steinmetz, 200
Stirner, 249
Stoicism, 3, 4, 18, § 60, 138, 208, 327, 385
Stout, 55*n*., 113*n*.
Struelens, 182
Subjectivity, its rôle, 26
Suggestion, pathological, 11; moral, 367
Suicide, 187
Sympathy, and duty, 44; mark of aptitude, 73, 74, 124, § 61, 231; imitation, 368

Taboo, 228
Tacitus, 224
Tanon, 212
Tarde, 73, 146, 284, 288
Taxation, 300
Temperance, 139
Tendencies, instinctive, 53 *et seq*.; fugitive, 62; causes of volition, 80; conflict of, 71; to good, § 38; and heredity, § 40; individual and collective, 76; different moral, § 49; to pleasure, 99 *et seq*., 192; modified, 106;

to happiness, 113; attracted by mystery, 116; social, 124 *et seq.*, § 65; constituting character, 136 *et seq.*; to co-ordinate, 152 *et seq.*; to crime, V., *passim*; of strong to oppress the weak, 223; development of scientific and artistic, 229 *et seq.*; aristocratic and democratic, 252
Timæus, 23, 42*n*.
Tolstoi, 236 *et seq.*, § 116
Totem, 228
Tourmiac, 165*n*.
Tradition, power of, 74
Truth, § 140
Tyranny, socialistic, 220

Uebermensch, § 114
Unbalanced, criminals, § 79
Unions, trades, 218, § 104, § 139
Unity, religious
Unfit, sacrifice of, § 115
Uniformity, of tendencies and heredity, § 40
Unknowable, the, § 111
Utilitarianism, 49, 103, 106 *et seq.*

Vengeance, 212
Verga, 162
Verne (Jules), 179
Vertigo, moral, § 83
Vice, 153
Vidocq, 157
Violence, 245
Virtue, private, 37; and sentiment, 44; and truth, § 68
Voisi, 164

Wages system, 304
Walker, 217*n*.
Warnots, 183
Wealth, and morality, 295
Westermarck, 193*n*.
White, 8*n*.
Wife, choice of, 186
Will, good, 79
Woman, § 90; work of, 308; rights of, 314
Work, of women and children, 308
Workman, the, his value, 309

Yvernès, 158

Zarathrustra, 237 *et seq.*
Zenker, 211, 225, 249*n*.
Zeno, 123

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